

BEFORE THE  
CALIFORNIA CITIZENS REDISTRICTING COMMISSION

In the matter of  
Full Commission Business Meeting

State Capitol Building  
Room 447  
Sacramento, California

Saturday, March 19, 2011  
9:06 P.M.

Reported by:  
Peter Petty

## APPEARANCES

### Commissioners Present

Jodie Filkins Webber, Chairperson

Maria Blanco, Vice-Chairperson

Gabino T. Aguirre

Angelo Ancheta

Vincent Barabba

Cynthia Dai

Michelle DiGuilio

Stanley Forbes

Connie Galambos Malloy

M. Andre Parvenu

Jeanne Raya

Michael Ward

Peter Yao

### Commissioner Absent

Lilbert "Gil" Ontai

### Staff Present

Dan Claypool, Executive Director

Kirk Miller, Legal Counsel

Rob Wilcox, Communications Director

Janeece Sargis, Administrative Assistant

Raul Villanueva, Business Manager

Marian Johnston, Staff Counsel

APPEARANCES (CONT.)

Also Present

Bidders

Douglas Johnson, Rose Institute of State and Local Government

Karin MacDonald, Q2 Data & Research, LLC

Public Comment

Cindy Doyle

Peggy Sadler

Robert Reichert

Peggy Wilson

Terry Howard

Denise Nielson

David Salaverry

Justin Malan, California League of Conservation Voters

Rebecca Sandoval, League of United Latin American Citizens

Jonathan Tran, Southeast Asia Resource Action Center

Bill Wong, Asian American Education Institute

Don Kilmer

Roger Canfield

Scott Dosick

Matt Rexroad

Don Gibson

Ron Nehring, California Republican Party

Harmeet Dhillon

Charu Khopkar

APPEARANCES (CONT.)

Also Present

Public Comment

Robert Rubin, Lawyers Committee for Civil Rights of the  
San Francisco Bay Area

Joshua Golka, California School Employees Association

Jim Wright

Chris Chaffee

Allen Payton, Contra Costa Redistricting Task Force

Natalie Rojas

Nick Capistrano

Eddie Kirby

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1 P R O C E E D I N G S

2 CHAIRPERSON FILKINS WEBBER: Okay. Good morning.

3 This is March 20<sup>th</sup>, 2011 [sic]. I am Commissioner Jodie

4 Filkins Webber, Chair for today's proceedings.

5 Roll call, Ms. Sargis?

6 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner

7 Aguirre?

8 COMMISSIONER AGUIRRE: Here.

9 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner

10 Ancheta?

11 COMMISSIONER ANCHETA: Here.

12 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner

13 Barabba?

14 COMMISSIONER BARABBA: Here.

15 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner

16 Blanco?

17 Commissioner Dai?

18 COMMISSIONER DAI: Here.

19 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner

20 DiGuilio?

21 COMMISSIONER DI GUILIO: Here.

22 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner

23 Filkins Webber?

24 CHAIRPERSON FILKINS WEBBER: Here.

25 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner

1 Forbes?

2 COMMISSIONER FORBES: Here.

3 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner

4 Galambos Malloy?

5 COMMISSIONER GALAMBOS MALLOY: Here.

6 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner

7 Ontai?

8 Commissioner Parvenu?

9 COMMISSIONER PARVENU: Here.

10 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner

11 Raya?

12 COMMISSIONER RAYA: Here.

13 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner

14 Ward?

15 COMMISSIONER WARD: Here.

16 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner

17 Yao?

18 COMMISSIONER YAO: Here.

19 ADMINISTRATIVE ASSISTANT SARGIS: A quorum is

20 present.

21 CHAIRPERSON FILKINS WEBBER: Thank you.

22 As I stated yesterday, this -- we're pleased to

23 have gotten to this particular point. It has been a

24 difficult process and we -- and today's proceedings will

25 be a little tedious in moving forward through this

1 process.

2 But I would like to assure the public, based on  
3 other comments that have been made, that the decisions  
4 regarding the entire bid process have been made in  
5 consultation with our Chief Counsel, the Department of  
6 General Services, and the Legal Services Division of the  
7 Department of General Services, as well.

8 As well as myself, as Chair, over the last month,  
9 as well as in consultation with my Vice-Chair, Maria  
10 Blanco.

11 So, this entire process is a little different than  
12 what we've seen before, but we're certainly putting this  
13 together for the benefit of the citizens of the State of  
14 California so that we can make appropriate decisions  
15 regarding the necessity for the consultants we need to  
16 complete this process and to complete it timely, and  
17 fairly.

18 At this time our agenda is on one issue, which is  
19 selecting our technical consultant. But at this time, as  
20 we do each and every morning, I would like to open the  
21 mike for public comment on any issue the public wishes to  
22 address on matters that are not on today's agenda.

23 So, again, there's only one issue on the agenda,  
24 which is technical consultants, and I will be opening it  
25 up for public comment shortly here.



1           But if there are any members of the public that  
2   wish to address the Commission on non-agendized items,  
3   please come forward or raise your hand so we can determine  
4   time. Okay.

5           Come forward, please.

6           The process that the Commission has agreed on is  
7   generally three to five minutes. Seeing that there's one  
8   member of the public who wishes to speak, you will have  
9   five minutes.

10          MS. DOYLE: Here?

11          CHAIRPERSON FILKINS WEBBER: Yes, please.

12          MS. DOYLE: Okay.

13          CHAIRPERSON FILKINS WEBBER: And Ms. Sargis will  
14   be keeping track of time.

15          MS. DOYLE: My name is Cindy Doyle, I actually  
16   work for the State and I also have two businesses on the  
17   side. And I actually was looking at the district  
18   information and I'm looking and just going who came up  
19   with this, was my first thought.

20          Because this is the current one, of course, okay,  
21   and I'm looking at it going what in the world were they  
22   thinking.

23          Now, I understand us wanting to actually get, you  
24   know, mountain people with mountain people, and in urban  
25   with urban, and suburban with suburban, I understand that.

1           But part of the battle we have in anywhere you  
2 live is being able to actually listen to your constituents  
3 and actually be able to say what have we got that we  
4 actually have to deal with.

5           And I'm looking at these lines and going who came  
6 up with this stuff. Because -- and my concern is that  
7 we're going to actually bring in a consultant, in some  
8 fashion, that is not going to take into account that this  
9 should be more simple than it actually is.

10           And it would be nice to actually look at this and  
11 go -- why does this look like a bowtie? We've got stuff  
12 that spans from Yolo County down to San Joaquin and I'm  
13 going why?

14           I mean if you're going to actually have an area,  
15 why are you representing not only farm workers but all the  
16 way up to downtown Sacramento? I mean, it just kind of  
17 skewed to me and why shouldn't it be more simple? Why  
18 does it have to be so complicated?

19           And my first thought is what's in it for the  
20 people who are actually on the boards of these things?  
21 Are they actually going to benefit from having a bigger or  
22 smaller amount of people in their areas and why?

23           So, my concern also is that we have -- we're  
24 taking into consideration some actual bids, which is  
25 great, but are we going to one extreme or the other? Are

1 we actually going to go so far right or so far left that  
2 we don't have a middle, we don't have an in between, we  
3 don't have a logical step process to actually evaluate  
4 this information and really take into consideration that  
5 some of these things are skewed all it does is benefit the  
6 actual Assembly or Senate member. And I think that is a  
7 concern.

8           Because, I'm sorry, but I am a constituent, I live  
9 in, actually, Assembly District 10 and, yes, I'm out  
10 towards the Rancho area, but I also am looking at this  
11 whole area going what, how many things is she covering  
12 here? So, she's got a wide variety of people, I mean my  
13 Assembly member.

14           But I'm also looking at the Senate districts and  
15 also looking at going that doesn't even make sense to me.

16           So, yes, it would be great if it was a nice,  
17 simple little box, great. But my concern for this is the  
18 actual consultants that we bring in to do this, are they  
19 taking everything into consideration when they actually do  
20 these things or are they only -- are they getting a little  
21 help from the side, or a little influence in some fashion,  
22 from somewhere?

23           And that's my concern. As a voting member of your  
24 California, my concern is that we need to take into  
25 consideration that we can't have far right, far left. We

1 just need to consider that this is a basic area and we  
2 should make it more simple, instead of making it so  
3 complicated that I'm looking at these lines going who  
4 thought up this stuff.

5 And sometimes it looks pretty ridiculous when you  
6 actually look at these lines. And I'm thinking I can't  
7 even imagine somebody, who has -- especially this one  
8 right here, this district that goes -- and this is the  
9 Senate one going from up to Yolo all the way down to San  
10 Joaquin.

11 ADMINISTRATIVE ASSISTANT SARGIS: One minute.

12 MS. DOYLE: Okay, thank you.

13 This is so obscure and it's got such a huge, wide  
14 range I'm thinking why not make it a small, little box?  
15 Why is it so difficult.

16 So, I would just like for -- under consideration,  
17 when you actually decide and you take the bids, and you  
18 actually evaluate these places that are going to come in  
19 and do this, that there is no outside influence, that  
20 they're not so far right or left that we have to worry  
21 about what the heck were they thinking?

22 ADMINISTRATIVE ASSISTANT SARGIS: Thirty seconds.

23 MS. DOYLE: Okay. Other than that, I just want  
24 you to consider the fact that it's going to affect  
25 everyone. Not just you, not just Assembly members of the

1 Senate members, it's going to affect all the constituents  
2 out there and they need to be able to handle their actual  
3 areas that they take on. Thank you.

4 CHAIRPERSON FILKINS WEBBER: Thank you, Mrs.  
5 Doyle.

6 Any other member of the public who wishes to speak  
7 on matters that are not on the agenda? Please.

8 MS. DOYLE: I'm sorry, I had a comment that I  
9 wanted to make about the selection.

10 CHAIRPERSON FILKINS WEBBER: We're not there, yet.  
11 So, any matters that are not on the agenda, please come  
12 forward. Again, just as a reminder, you'll have five  
13 minutes and Ms. Sargis will let you know when you have one  
14 minute left.

15 MS. SADLER: Thank you. My name is Peggy Sadler  
16 and I live in Simi Valley, and I read an article recently  
17 that suggested that you might consider moving Simi Valley  
18 out of Ventura County and in -- lumping it in with Los  
19 Angeles County in your redistricting. And this really  
20 frightened me.

21 So, I was going to be in Sacramento today, so I  
22 decided to come over and speak to you a moment.

23 Maybe you know, Simi Valley is in the southeast  
24 corner of Ventura County. It's separate from Los Angeles  
25 County by a mountain range, the Santa Susana Mountains.

1 You have to go through that to get to Los Angeles County,  
2 that's on the east side.

3 On the west side it opens up into Moorpark,  
4 Camarillo, the fertile fields, agricultural areas, and up  
5 to Ventura where our county seat is. All of our county  
6 government and all of our services come from that area.

7 We have county fire stations, we have county  
8 sheriff's that patrol our unincorporated areas.

9 And Simi Valley has grown into a very nice  
10 community of about 120,000, but we are not connected to  
11 Los Angeles County, we're connected to Ventura County.

12 We have our own city government, but we also have  
13 a county courthouse in our town, we have our park  
14 district, we have our own school district.

15 That's not the way it is over in the San Fernando  
16 Valley, they're part of Los Angeles City and Los Angeles  
17 County governments and we have no connection with that at  
18 all.

19 It would just not serve -- I think you're charged  
20 with trying to keep community integrity, which was my  
21 understanding. This would totally skew that for Simi  
22 Valley and for Ventura County.

23 And I really hope that you will not consider  
24 moving us out of Ventura County because we have no  
25 connections with Los Angeles County, city government or

1 county government at all. We are really self-contained in  
2 Ventura County.

3 And I think that such a move would violate your  
4 charge to keep the community integrity.

5 So, I just thank you, that's all I really wanted  
6 to say.

7 CHAIRPERSON FILKINS WEBBER: Thank you, Ms.  
8 Sadler.

9 Any other member of the public who wishes to  
10 discuss items not on the agenda please come forward.

11 MR. REICHERT: Good morning. I'm Robert Reichert,  
12 I live -- well, in Sacramento County, outside of Elk  
13 Grove.

14 I'm coming today because I was reading in the  
15 newspaper and then I've heard a few rumors -- well, not  
16 rumors, obviously, it's fact.

17 I actually applied for the Commission and when we  
18 voted as the people of California, and even those of us  
19 that applied, the assumption was that this was -- the  
20 Commission, redistricting, was going to be done by  
21 citizens.

22 That was the hope and the fervor of the people of  
23 California.

24 Now, I understand we're hiring a consultant to  
25 come in and help you guys make a decision.

1           I don't disagree with the consultants and,  
2 obviously, you've already made a decision. My only  
3 problem is I feel like we're abrogating what the citizens  
4 of California really asked for.

5           There's enough people on the Commission, enough  
6 intelligence, supposedly, based on the questions that I  
7 had to answer, that you shouldn't need a Commission [sic].

8           The educational level of the people on this  
9 Commission should be as good or better as any consultant  
10 you could hire.

11           It's not hard to sit down and figure out where the  
12 people of California live, who they are, and how they  
13 should be represented.

14           By bringing in consultants, we are bringing in  
15 bias. I doubt, seriously, there's any consultancy out  
16 there that's not biased. And based on some of the ones  
17 I've seen in here, we have some really left-leaning ones  
18 and some really right-leaning ones.

19           And if we don't pick a neutral consultant, we're  
20 going to end up with the same mess that we've had for the  
21 last 40 years that I've been in California.

22           We voted for this Commission so that we could have  
23 citizens represented on -- to help us be represented by  
24 real people.

25           I mean, look at like Alyson Huber's area, and



1 that's what they're talking about. I mean, she's got an  
2 area in Elk Grove that's only four blocks wide, so they  
3 could put her in that district. That's the kind of stuff  
4 that we're trying to -- that the citizens of California  
5 are trying to avoid.

6 And by hiring a consultancy that's biased are we  
7 going to get that as the people? That's my concern.

8 All I'm -- what I'm asking for and it's probably  
9 not going to happen, based on what I'm reading, but I'm  
10 asking that the Commission do what was voted for and that  
11 is align California for the people of California, not for  
12 the consultancies of California.

13 Thank you.

14 CHAIRPERSON FILKINS WEBBER: Thank you, Mr.  
15 Reichert.

16 Any other member of the public who wishes to  
17 speak, again, on non-agendized items? Please come  
18 forward.

19 MS. WILSON: Hi, my name's Carrie Wilson. I am a  
20 registered Republican and I work in Fresno County and live  
21 in Madera County.

22 And I have concerns about the contractor that --  
23 the contractor choices. It's a bipartisan team and there  
24 should be a bipartisan consulting firm that is selected.  
25 And they're, as has been previously stated, some extreme

1 right, some extreme left consulting firms that have been  
2 selected.

3           And I do wish that this is seriously considered  
4 because California has a population that is very -- that  
5 is a wide variety of people, with their own individual  
6 issues, and I do believe that the working class should not  
7 be ostracized by picking a consulting firm that would like  
8 to draw lines that would be most convenient to some of the  
9 extreme politics that are going on against the lower and  
10 middle class nationwide.

11           Thank you for your time and I hope that you do  
12 make a decision that represents the most population of  
13 California and not the elitist few.

14           CHAIRPERSON FILKINS WEBBER: Thank you, Ms.  
15 Wilson.

16           MR. HOWARD: Good morning. My name is Terry  
17 Howard, I live in Ventura County, and I'm a registered  
18 Republican. And what I'm asking this committee to  
19 consider is do not bifurcate our relationship with the  
20 people who serve us in our community.

21           We saw this before, we had relationships before  
22 with our elected officials. Relationships, meaning that  
23 we knew who to go to, they would help us if they could.  
24 We knew the system in our work areas, we knew the system  
25 in our living areas.

1           And the last time you redistricted, not you in  
2   this room, but whoever was responsible, we all got a  
3   divorce. In my area we changed leadership. I had no  
4   relationship, my kids had no relationship, the schools had  
5   no relationship, we had to reform everything.

6           So, please consider you're bifurcating us, you're  
7   bifurcating the people who wanted this proposition to  
8   happen. That's not what we had in mind.

9           Thank you very much.

10          CHAIRPERSON FILKINS WEBBER: Thank you, Mr.  
11   Howard.

12          Any other member of the public who wishes to speak  
13   on non-agendized items?

14          MS. NIELSON: Hi, my name is Denise Nielson and I  
15   live in the Santa Rosa Valley, which is an unincorporated  
16   area of Ventura County. Until recently when the United  
17   States Postal Service changed us to Santa Rosa Valley, we  
18   were actually mailing address Camarillo.

19          And I have seven children and I can testify to you  
20   to the community integrity of both Simi Valley and  
21   Thousand Oaks in the lives of those of us in Ventura  
22   County.

23          Because most of my kids have gone to school in  
24   Thousand Oaks. I have a daughter in the Moorpark Unified  
25   School District, going to the high school at Moorpark

1 College.

2 I have a daughter who goes to the Cheerleading Gym  
3 in Simi Valley. So, we all have so many ties to each  
4 other and it is definitely a different situation than in  
5 the San Fernando Valley.

6 As Peggy said, the Los Angeles Unified School  
7 District does not extend to us and it's just a very  
8 different circumstance.

9 So, I hope that you take that into consideration  
10 when you're drawing the redistricting lines because I feel  
11 that our representatives need to understand the quality of  
12 life that we have.

13 I think that most of us live in Ventura County  
14 because we have concrete aversion, and I think that we  
15 would like to keep the kind of rural and the kind of  
16 community feel that we have.

17 So, I feel that if you draw the lines and manage  
18 to make it where Simi Valley and Thousand Oaks are both  
19 still a part of the area that we live in, as far as our  
20 elected representatives, it's going to make a huge  
21 difference as far as the cohesiveness of the community.

22 Thank you.

23 CHAIRPERSON FILKINS WEBBER: Thank you, Ms.  
24 Nielson.

25 Any other member of the public who wishes to

1 address this Commission on matters that are not on the  
2 agenda today?

3 MR. SALAVERY: David Salaverry, from Berkeley. I  
4 got here a little bit late today and I'm not sure if  
5 there's going to be an opportunity to speak before the  
6 full Commission makes its vote about who the technical  
7 consultant is?

8 CHAIRPERSON FILKINS WEBBER: We will, we will. So  
9 after this, this is an opportunity to speak on non-  
10 agendized items.

11 MR. SALAVERY: Okay.

12 CHAIRPERSON FILKINS WEBBER: And then immediately  
13 after that I'm opening the mike up for any comments on the  
14 technical consultants.

15 MR. SALAVERY: Thank you.

16 CHAIRPERSON FILKINS WEBBER: So, we're separating  
17 them for ease of efficiency.

18 MR. SALAVERY: I'll wait then, thank you.

19 CHAIRPERSON FILKINS WEBBER: Okay. You might just  
20 sit there.

21 Is there any other member of the public who wishes  
22 to speak on matters that are not on the agenda, which  
23 today the agenda is, again, just our technical consultant.  
24 So, the Commission opens the mike for anybody who wishes  
25 to address other issues today.

1           Seeing none, now is the opportunity for the -- as  
2 I said, Mr. Salaverry, you could have sat there, I didn't  
3 see any member of the public.

4           But at this time, the mike is open for any public  
5 comments on our agendized item, which are the technical  
6 consultant bids we have received.

7           And now, may I have a show of hands, quickly, for  
8 the process and procedure, of who wishes to speak on this  
9 issue? Okay.

10           Seeing that there are a number of people who wish  
11 to speak, it is the procedure of this Commission that we  
12 will limit public comment to three minutes to provide  
13 sufficient opportunity for the majority of people here to  
14 speak.

15           So, time will be kept by Ms. Sargis and she will  
16 advise you upon one minute and 30, as well as 30-second  
17 mark. And we'd ask again, for the convenience of other  
18 members who wish to address this Commission that each of  
19 the members of the public commit to that three minutes as  
20 well, and we appreciate that. Thank you.

21           MR. MALAN: Thank you, Madam Chair, Members,  
22 Justin Malan on behalf of the California League of  
23 Conservation Voters.

24           I do have a letter to submit to the Commission on  
25 behalf of our executive director.

1           I want to commend you, on behalf of the League of  
2 Conservation Voters, for all the work and your dedication  
3 so far and wish you well on an arduous journey, no doubt.

4           You'll hear from many sides, I know that you'll  
5 balance it well. And we urge you to consider very, very  
6 carefully your selection. This is the first selection of  
7 a significant support for you Commission.

8           And when you actually support the technical  
9 expert, please be cognizant that it's crucially important  
10 to be aware of the communities of interest in California.  
11 California's a remarkably diverse state. We want to  
12 ensure that your choice is of an impartial staffing  
13 service that doesn't unduly influence your Commission.

14           And we look forward to working with you as you  
15 move ahead. Thank you.

16           CHAIRPERSON FILKINS WEBBER: Thank you.

17           Anyone else wish to address the Commission?

18           MS. SANDOVAL: Good morning, my name is Rebecca  
19 Sandoval, I'm with the California League of United Latin  
20 American Citizens.

21           And I'm here today to read a letter from Mickie  
22 Solorio Luna, Vice-President of the Far West Region of  
23 National LULAC.

24           "Redistricting Commission Members, I write  
25 to you today with the hope that strong

1 consideration be given in protecting communities  
2 affected by the Voting Rights Act and that the  
3 applicant selected maintain a fair, transparent,  
4 public and nonpartisan process. As a native of  
5 California and a national officer of the largest  
6 Latino organization in the nation, the League of  
7 United Latin American Citizens, I am deeply  
8 concerned over who will play a major role in  
9 consulting the Redistricting Commission on  
10 drawing district boundaries. The process must  
11 be a fair process for all Californians and the  
12 highly-populated minority communities.

13 The California minority community played an  
14 important role in the redistricting process  
15 regarding the selection of the Citizens  
16 Commission. And now we trust that you will  
17 select the best choice in consultants who have  
18 applied for this critical role as technical  
19 experts in drawing of lines which will represent  
20 Californians.

21 I'm aware of the past work of the Rose Institute  
22 which, clearly, in my opinion, does not represent  
23 the best interest of Latinos and the minority  
24 Population.

25 When past redistricting projects are drawn, with



1 no consideration of minority voting rights, it  
2 is a clear message that the same may be considered  
3 for California.

4 I am strongly opposing the Rose Institute  
5 selection. Sincerely, Mickie Solorio Luna,  
6 National LULAC Vice-President, Far West,  
7 California, Arizona, Nevada, Utah, and Hawaii."  
8 Thank you.

9 CHAIRPERSON FILKINS WEBBER: Thank you, Ms.  
10 Sandoval.

11 MS. SANDOVAL: And I will leave this with you.

12 CHAIRPERSON FILKINS WEBBER: Thank you.

13 MR. TRAN: Good morning, Commissioners, thank you  
14 so much for the opportunity to be here with you today.

15 My name is Jonathan Tran, I'm the California  
16 Policy Advocate for the Southeast Asia Resource Action  
17 Center, or SEARAC for short.

18 SEARAC, itself, is a national nonprofit and  
19 nonpartisan organizations that advocates on behalf of the  
20 more than 2.5 million Southeast Asian American refugees  
21 that have resettled here, in the United States.

22 This population includes individuals and families  
23 that have resettled in the United States and displaced  
24 from their homelands from Cambodia, Laos, and Vietnam, as  
25 a result of the wars in Southeast Asia.

1           Here in California, it is actually home to 751,000  
2 Southeast Asian Americans and is actually the home to the  
3 largest resettlement of refugees anywhere in the world.

4           So, thus, the decisions that the Commission to  
5 today will have a dramatic impact on our community.

6           So today, as the Citizens Commission deliberates  
7 on applicants for the technical consultants, SEARAC  
8 encourages the Commission to consider two key points.

9           First, the Commission must work to ensure that the  
10 contracted consultant have a demonstrated history of  
11 understanding and inclusion of ethnic minority  
12 communities.

13           Historically, the Southeast Asian American  
14 community has either been entirely ignored as a  
15 demographic or conveniently lumped in with the larger  
16 Asian/Pacific Islander community, sometimes in the "other  
17 Asian" category.

18           Failure to actively include this significant  
19 population marginalizes our community's voting ability.

20           So, for example, any analysis or report produced  
21 by the consultant regarding the Central Valley out to  
22 include some analysis on the large Hmong and Cambodian  
23 population that live there.

24           In fact, the Central Valley is home to the largest  
25 Hmong population in the United States. So while, indeed,

1 the Central Valley's largest growing population are our  
2 Latino brothers and sisters, Southeast Asians also  
3 represent a significant and growing demographic in the  
4 area.

5 The second point that SEARAC urges the Commission  
6 to --

7 ADMINISTRATIVE ASSISTANT SARGIS: You have one  
8 minute.

9 MR. TRAN: Okay. The second point that SEARAC  
10 urges the Commission to consider is the importance of  
11 public trust. Historically, many members of the Southeast  
12 Asian community, as a result of their experiences with  
13 war, have a general skepticism towards government  
14 entities.

15 Thus, it is paramount that the Commission sets a  
16 strong precedence when considering and awarding contracts  
17 by seeking groups that have a record of advocating for  
18 ethnic minority communities and work to uphold and defend  
19 the Voting Rights Act.

20 ADMINISTRATIVE ASSISTANT SARGIS: You have 30  
21 seconds.

22 MR. TRAN: I understand that the Commission has a  
23 very difficult and contentious discussion ahead so please  
24 note that SEARAC is more than committed to working with  
25 the Commission and other stakeholders to making sure to

1 uphold the Voting Rights Act and to build on public trust  
2 as the State moves forward with the redistricting.

3 Thank you so much and I look forward to your  
4 deliberations.

5 CHAIRPERSON FILKINS WEBBER: Thank you, Mr. Tran.

6 MR. WONG: Good morning, my name is Bill Wong, I'm  
7 here on behalf of the Asian American Education Institute.  
8 For the last five years we've done nonpartisan voter  
9 education and outreach to Asian Pacific Americans.

10 And shortly, we're here with concerns with regard  
11 to the Rose Institute's application on three general  
12 points. The first point is with regard to the  
13 contractor's record in Arizona, with regard to Voting  
14 Rights Act.

15 Secondly, with regard to some of the apparent  
16 omissions with regard to conflict.

17 And then, lastly, what appears to be a  
18 disproportionate affiliation with partisan organizations  
19 or partisan beliefs.

20 So, with regard to that, that is the basis of our  
21 opposition to their bid for the contract. And thank you  
22 for your time.

23 CHAIRPERSON FILKINS WEBBER: Thank you, Mr. Wong.

24 COMMISSIONER ANCHETA: I'm sorry, Chair, do you  
25 want to handle disclosures after public comment is

1 completed or after where I might know -- after each one or  
2 at the end?

3 CHAIRPERSON FILKINS WEBBER: At the end.

4 COMMISSIONER ANCHETA: Fine. Perfect.

5 CHAIRPERSON FILKINS WEBBER: I have it in my  
6 agenda, knowing the --

7 MR. KILMER: Good morning, Madam Chair. My name  
8 is Don Kilmer, I am a citizen of California. I am a  
9 Republican sitting in the middle of the 9<sup>th</sup> Assembly  
10 District, so you can understand I'm a minority.

11 Today I'm here in opposition of the Rose  
12 Institute. As a citizen of California it's my right to  
13 vote, regardless of where I live, regardless of my party  
14 stance. I believe it is probably the most pristine of our  
15 rights as citizens.

16 The Rose Institute is a conservative group. They  
17 hide themselves between paper and pen, but they are a  
18 conservative group. They have stood in front of many  
19 commissions, like this, and have voted -- or have worked  
20 in opposition to the California Voters Right Act.

21 As such they are biased and as such they should  
22 not represent the citizens of this State as the  
23 Commission's consultant to an impartial group, to show the  
24 citizens of California that we can be honest and right to  
25 our citizens in designing areas of representation that are

1 representative of the citizens of California, whether they  
2 be minorities or whether they be party ties.

3 Thank you.

4 CHAIRPERSON FILKINS WEBBER: Thank you, Mr.  
5 Kilmer.

6 MR. CANFIELD: My name is Roger Canfield, I'm here  
7 as a private citizen.

8 I was the chief Republican consultant in the State  
9 Senate in the 1980 reapportionment. And during that  
10 period I worked with Common Cause on reforming this  
11 process, creating Proposition 14, which lost, but many of  
12 the criteria live today in California law, in the  
13 Constitution.

14 The Commission is considering awarding a contract  
15 to Q2 Data Research, nominally headed by Karin MacDonald.

16 Note, however, that the senior partner and founder  
17 is Bruce Cain.

18 What's his record as a redistricter? In 1981 he  
19 did that -- the Democrat plan, which went before the  
20 voters in 1982 and was resoundingly rejected 62 to 38  
21 percent.

22 According to Cain's own book, The Reapportionment  
23 Puzzle, editorials said a number of things. It's evident,  
24 once again, that the controlling incumbent lawmakers have  
25 put their own best interests above those of the people.

1           Another editorial said that the districts look  
2 like a jigsaw puzzle prepared by a capricious monkey.

3           In 2003, he was deposed in a lawsuit involving  
4 reapportionment of San Joaquin and Santa Clara County and  
5 he denied that what he was doing was Gerrymandering.

6           And, instead, he said, he used the term bipartisan  
7 plan, which it was not.

8           ADMINISTRATIVE ASSISTANT SARGIS: You have one  
9 minute.

10          MR. CANFIELD: Okay, thank you. He said the  
11 constitutional requirement to protect the integrity of  
12 cities/counties makes no sense.

13          As an example of his work, in the handout you have  
14 the maps, two maps. One's the 10<sup>th</sup> Assembly District,  
15 which stretches from downtown Sacramento, to Lodi, to  
16 Antioch --

17          ADMINISTRATIVE ASSISTANT SARGIS: You have 30  
18 seconds.

19          MR. CANFIELD: -- and Contra Costa County.

20          The second map is the 35<sup>th</sup> Assembly District,  
21 which connects the far northern community of Guadalupe, in  
22 northern Santa Barbara County, with Santa Paula, in  
23 Ventura County. It bypasses the City of Ventura.

24          So, Bruce Cain was a partisan line-drawer and  
25 that's the firm, one of the firms that you're considering.

1 I thank you very much. I am thrilled that this  
2 Commission exists --

3 ADMINISTRATIVE ASSISTANT SARGIS: Time.

4 MR. CANFIELD: -- having worked on these issues  
5 some decades ago.

6 CHAIRPERSON FILKINS WEBBER: Thank you, Mr.  
7 Canfield.

8 MR. CANFIELD: Canfield.

9 CHAIRPERSON FILKINS WEBBER: Canfield.

10 MR. CANFIELD: Yeah, Roger Canfield. Thank you.

11 MR. DOSICK: Madam Chairperson, Commissioners,  
12 good morning. My name is Scott Dosick, I'm a Sacramento  
13 resident.

14 And I'm pleased to see this effort underway as I  
15 did vote for the formation of this Commission. And one  
16 only has to spend a little bit of time in this building,  
17 especially over the last few budget cycles, to see the  
18 need for this Commission to do a stellar job.

19 In reviewing the documents online, related to the  
20 line-drawing, I have a concern related to one of the  
21 bidders. The Rose Institute did not seem to provide the  
22 information required by this Commission with regards to  
23 financial disclosure and conflict of interest.

24 And I looked specifically at the form, I don't  
25 think I need to spend the time reading it, but you're very



1 familiar with the requirements that are in here. So, I'll  
2 save time and not repeat it.

3 While I do currently work in the private sector, I  
4 have my own small business, I did work for over 12 years  
5 for both the State of California and for the federal  
6 government, overseeing numerous contract and grant  
7 programs.

8 I learned early on that there is a reason RFPs are  
9 structured so carefully, it's based on the lessons that we  
10 have learned.

11 How can you trust a bidder to perform the work in  
12 the manner needed, when they fail to comply with the basic  
13 RFP submittal requirements?

14 A great deal of effort has been made to ensure a  
15 fair and balanced panel of California citizens was  
16 empowered with this process. There's too much riding on  
17 your work to allow even the appearance of non-objectivity  
18 to derail your mission.

19 Thank you for your time and for your service to  
20 the people of California.

21 CHAIRPERSON FILKINS WEBBER: Thank you, Mr.  
22 Dosick.

23 MR. REXROAD: Good morning, Commission. My name  
24 is Matt Rexroad and I will, in an effort of full  
25 disclosure, confess my jealousy for you all in terms of

1 being involved in this process. I'm one of a few people  
2 who's passionate about redistricting, and very involved in  
3 this, and you all get to be involved in this.

4 And under the drafting of Prop 11 and the follow-  
5 on measure that brought congressional districts into this  
6 process, I would have guessed that I would have been  
7 excluded because I'm a Republican political consultant, as  
8 well as a Yolo County Supervisor, I represent Woodland.

9 And in going through this process I actually  
10 called the -- over a year ago, the conflict that you have  
11 today, because there's so few people who are involved in  
12 redistricting. It's a very limited group of people, who  
13 are very involved in this process, and you're about to be  
14 kind of welcomed into that very small number of people.

15 Now, notice that this is such an important process  
16 that we have very few people in the audience today who are  
17 actually looking at this.

18 Now, maybe lots of people are looking at it  
19 online, but this has generally been an insider's ballgame  
20 for a long time.

21 The effort of the ballot measure that Mr. Munger  
22 worked so hard to pass, along with a lot of the rest of  
23 us, was to bring that open into the public, yet few people  
24 are actually involved in playing a role in that.

25 I would have loved to apply to have been your

1 line-drawer, and to be one of the people considered today,  
2 but I would have assumed, under the way Prop 11 was  
3 drafted, that I would have been excluded because I run  
4 Republican political campaigns.

5 I don't know how in the world that you can take a  
6 look at all of the information that's come out about the  
7 Rose Institute and Q2 Strategies, or Q2, whatever it is,  
8 and not conclude that both of them have some sort of  
9 problem in this process.

10 And that's because there are so few people that  
11 have been involved in this in the past everyone's going to  
12 get scars, and bruises, and conflicts, and problems over  
13 the course of a career in redistricting. That kind of  
14 happens in the process.

15 When you put lines on maps, you end up with  
16 conflicts and that's kind of what happens.

17 I watched yesterday and over the past few days as  
18 you've debated about your -- about choosing which law firm  
19 to help you through this process and I can't imagine that  
20 you can't look at some of these different applications for  
21 your line-drawer and have exactly the same objections.

22 ADMINISTRATIVE ASSISTANT SARGIS: One minute.

23 MR. REXROAD: Thank you. Those of you who are  
24 objecting so strenuously to Nielson Merksamer, a lot of  
25 that same standard applies to both of your applicants here

1 today. It's part of the process. And I guess we can  
2 debate that and you're going to go through the facts and  
3 look at it.

4 What I would encourage you to do is -- this is a  
5 premier consulting opportunity for those people who are  
6 involved. It is the flagship of redistricting in this  
7 country, it's California, it's a big deal, the Voting  
8 Rights Act implications are enormous.

9 Use your ability to negotiate to these folks, and  
10 force them both to the table, and have them work together.

11 ADMINISTRATIVE ASSISTANT SARGIS: Thirty seconds.

12 MR. REXROAD: They're both flawed, but I think if  
13 you work with them together, that's better to have a  
14 bipartisan approach than have one uniquely designated to  
15 do that, where the perception is exactly what Prop 11 was  
16 created to do, which is that you're favoring one political  
17 insider group over another.

18 Thank you very much for your time.

19 CHAIRPERSON FILKINS WEBBER: Thank you, Mr.  
20 Rexroad.

21 MR. GIBSON: Hello, my name is Don Gibson and I'm  
22 here on behalf of Jess Durfee, Chair of the California  
23 Democratic Party's Redistricting Subcommittee, and the San  
24 Diego Democratic Party, who cannot be here today.

25 In 2004, in an op-ed, Douglas Johnson wrote, "The

1 second ingredient for effective reform is the selection of  
2 trustworthy persons to draw the lines."

3 I strongly agree with Johnson's assessment and for  
4 that reason I urge you to reject the application of  
5 Johnson and the Rose Institute to serve as your technical  
6 consultant.

7 No matter what the Rose Institute may claim in  
8 their application, their history as a Republican-leaning  
9 organization is a matter of public record.

10 In 2010, Santa Maria Times article noted "Rose  
11 Institute advises Republicans on redistricting."

12 In 2002, the Sacramento Bee described Rose as "The  
13 conservative Rose Institute."

14 In 2000, the Los Angeles Times called Rose, "The  
15 Republican oriented Rose Institute."

16 In 1991, the California Journal reported that  
17 "Rose was a group used by Republicans and largely shunned  
18 by Democrats."

19 In 2003, the then director of Rose said, "We have  
20 a reputation for being conservative."

21 The Rose Institute has an -- had an opportunity to  
22 repudiate this historical record of partisanship.

23 The Commission has required applicants to disclose  
24 the services they have performed for any political party,  
25 interest group or other entity that has supported, donated

1 money to, raised money for a candidate for public office,  
2 taken a position on a ballot initiative, or sought to  
3 influence the redistricting process.

4           It further requires that bidders disclose any  
5 donations or funding from any source that are used to  
6 support its operation.

7           The Rose Institute has outright refused to give  
8 the required information. They have responded with the  
9 vague comment that "The Institute has no partisan  
10 connections or political advocacy roles that present a  
11 conflict and for our proposed work for the Commission."

12           And "None of these funding sources represent any  
13 conflict with the Institute's proposed work for the  
14 Commission."

15           The right to make determinations about whether a  
16 conflict exists --

17           ADMINISTRATIVE ASSISTANT SARGIS: One minute.

18           MR. GIBSON: -- belongs to the Commission and the  
19 Commission, alone. The Commission does not have the  
20 information to determine whether Rose's past work and  
21 funding represents a conflict because Rose refuses to  
22 disclose them.

23           Given the documented public reputation for a  
24 partisan bias, this refusal represents grounds for  
25 rejection for their application.

1           Further, the Republican ties to the Rose  
2 application extend beyond the organization to the  
3 individual members of their proposed team.

4           Of the ten members that we could verify, are  
5 registered in California --

6           ADMINISTRATIVE ASSISTANT SARGIS: Thirty seconds.

7           MR. GIBSON: -- our record shows that seven are  
8 registered Republicans, Douglas Johnson, Andrew Busch,  
9 Kenneth Miller, Florence Adams, Bipasa Nadon, Justin  
10 Levett, Emily McNab. Indeed the top five members of the  
11 Rose are all Republicans.

12           And in Florida, Douglas Johnson, in his private  
13 business, National Demographics, advocated -- or, sorry,  
14 consulted with the Republican-dominated Florida State  
15 Senate. And in that state Democrats outnumber  
16 Republicans --

17           ADMINISTRATIVE ASSISTANT SARGIS: Time.

18           MR. GIBSON: -- by five percent, and the state  
19 senate is more than two to one Republican. Thank you.

20           CHAIRPERSON FILKINS WEBBER: Thank you, Mr.  
21 Gibson.

22           MR. NEHRING: Good morning, Commissioners, my name  
23 is Ron Nehring, I'm the Chairman of the California  
24 Republican Party and I'm very pleased to have the  
25 opportunity to speak to you today.

1           We supported the creation of this Commission and  
2 am very pleased to see the work that you're embarking upon  
3 as you move forward with the mandate set forth by the  
4 people.

5           I'm also a former state government official and  
6 spent many times sitting in conference rooms like this,  
7 and so you have my great sympathy for the amount of time  
8 you're putting in.

9           I'm coming before you today out of concern over  
10 the firm Q2. I'm sure there's a big shock there.

11           But I'm particularly concerned that the firm has  
12 not responded to the disclosure of Bruce Cain as an owner  
13 and manager of the company as in the Secretary of State  
14 records.

15           This association, with a partisan Democrat, who's  
16 been responsible for the 1981 Gerrymander and defended the  
17 2001 Gerrymander should be more disqualifying than any of  
18 the allegations, yesterday, about any one of the  
19 attorneys, voting rights attorneys' lobbying activities.

20           Q2 has never disavowed the connection with Cain,  
21 never taken any steps to firewall him or severed his  
22 ownership or manager connections that we're aware of.

23           We're curious as to why has the Commission refused  
24 to demand this or disqualify Q2.

25           And I'd like to provide you with a copy of the



1 Secretary of State's corporate filing records, which  
2 indicates the affiliation here with a highly partisan  
3 Democrat official.

4 I take note of the previous speakers stepping  
5 forward and raising issues concerning the Rose Institute.  
6 Total shocker that there's no reference whatsoever to the  
7 very partisan affiliation of the Q2 firm.

8 And I think the combination of this would suggest  
9 that perhaps the Commission's best approach would be  
10 rather than try to hire a firm and pretend it's  
11 nonpartisan, to recognize that --

12 ADMINISTRATIVE ASSISTANT SARGIS: One minute.

13 MR. NEHRING: -- as Mr. Rexroad testified earlier,  
14 that there are very few individuals involved with this  
15 particular issue who do not have a partisan affiliation  
16 one way or another, or past partisan activity.

17 Therefore, perhaps the best approach would be a  
18 bipartisan approach where two firms are retained to peer  
19 review, to keep checks on one another, and so that you're  
20 having both sides represented over the course of your  
21 deliberations.

22 This is a very, very important decision. This  
23 decision will have a direct impact on how the Commission's  
24 ultimate results are viewed.

25 ADMINISTRATIVE ASSISTANT SARGIS: Thirty seconds.

1           MR. NEHRING: And we believe that, as a practical  
2 matter, that hiring two firms with different affiliations  
3 and backgrounds is the best way to go and we would urge  
4 you to consider that moving forward.

5           Thank you again for your service, we commend you  
6 for the time and effort you're putting into this. Thank  
7 you.

8           CHAIRPERSON FILKINS WEBBER: Thank you, Mr.  
9 Nehring.

10          MS. DHILLON: Madam Chairwoman, I'm Harmeet  
11 Dhillon, a civil rights attorney in San Francisco, and an  
12 attorney who practices in the area of right of fair  
13 procedure in the political context.

14          This Commission has refused to answer why it  
15 changes its pivotal bid qualification standards for the  
16 line-drawing consultant on March 9<sup>th</sup>, ten days after  
17 originally posting the application and five days before  
18 the bids were due.

19          This action gives strong grounds for a bid  
20 protest.

21          In the interest of complete transparency, the  
22 Commission and staff needs to explain who did this? Did  
23 the Commission do this?

24          If so, they may have violated the Bagley-Keene  
25 Act, since no publicly noticed meeting took place between

1 March 1<sup>st</sup> and March 9<sup>th</sup>.

2 If they didn't, then your staff must have done it.

3 The sole reason offered for this by your Executive  
4 Director was that, "None of the applicants had changed" --  
5 "None of the applicants had objected."

6 If none objected, why was it changed? This  
7 explanation is completely disingenuous.

8 With due respect, the conduct of the Commission  
9 has the appearance of bid rigging to enable Q2, which  
10 didn't meet the MSA redistricting experience standards to  
11 qualify for the bid.

12 In the interest of complete transparency, as a  
13 citizen, I urge the Commission and staff to answer these  
14 important questions. Thank you.

15 CHAIRPERSON FILKINS WEBBER: Thank you, Ms.  
16 Dhillon.

17 MR. KHOPKAR: Good morning, my name's Charu  
18 Khopkar, I'm a citizen of Sacramento County.

19 The California Public Interest Research Group,  
20 this week, gave California a D plus for government  
21 transparency. It's also important to note it's sunshine  
22 week in California.

23 As someone who believes deeply in government  
24 transparency, I'm disturbed by the Rose Institute's lack  
25 of disclosure in their application.

1           They claim they cannot produce a donor list to  
2   provide any examples of potential conflict of interest,  
3   but then cavalierly state that there is no conflict.

4           So, it should be noted that in this time when  
5   trust in government is at probably a record low, entering  
6   into agreements with associations that don't disclose is  
7   probably a very bad idea. Thank you.

8           CHAIRPERSON FILKINS WEBBER: Thank you.

9           Any other member of the public who wishes to  
10   address the Commission on our bid process today, for the  
11   agenda?

12           MR. RUBIN: Good morning. I'm Robert Rubin, I'm  
13   the Director of the California Voting Rights Institute at  
14   the Lawyers Committee for Civil Rights in San Francisco,  
15   and have worked quite a bit with both your applicants.

16           Starting with Doug Johnson, he was representing  
17   the Madera Unified School District in a California Voting  
18   Rights Act case, in which an injunction was issued against  
19   an election going forward because of its violation of the  
20   California Voting Rights Act.

21           The school district ultimately agreed to convert  
22   its system from at-large to a district system. And in the  
23   process, Mr. Johnson was entrusted with the drawing of the  
24   lines.

25           Needless to say, before those lines were final

1 they required substantial, substantial revision before  
2 they were signed off on, and I think that was an example  
3 of, perhaps, seeing things from one side, which his 30  
4 consultancies listed on his resume indicate, that not a  
5 single one was on behalf of anyone seeking to enforce a  
6 Voting Rights Act protections, but simply in defense of  
7 them.

8           On the other hand, I've also worked with Karin  
9 MacDonald and Q2. And I think perhaps the best example of  
10 their nonpartisanship, other than the fact that they  
11 conduct and are the repository for the statewide  
12 databases, as the Commission well knows, is a case  
13 involving the Salinas Valley Memorial Hospital District.

14           In this case, which actually wasn't filed, but it  
15 was negotiated, the hospital district and myself, on  
16 behalf of the plaintiffs, agreed to go to a neutral  
17 mediator, a neutral --

18           ADMINISTRATIVE ASSISTANT SARGIS: One minute.

19           MR. RUBIN: -- a mutually agreed upon demographer  
20 to tell us whether or not there was racially polarized  
21 voting.

22           And the parties would then agree to go along with  
23 what was agreed to.

24           And so in a sign, I believe, of the belief, and  
25 perception, and reality that Q2 is nonpartisan --

1 ADMINISTRATIVE ASSISTANT SARGIS: Thirty seconds.

2 MR. RUBIN: -- and does not reflect any particular  
3 view, both sides, the plaintiff's side on behalf of voter  
4 protection, and the governmental entity side on behalf of  
5 the jurisdiction, agreed to Q2 being that entity.

6 And I think that reflected a trust that I think  
7 this Commission ought to have in the nonpartisan nature of  
8 Q2's approach to its business.

9 Thank you.

10 CHAIRPERSON FILKINS WEBBER: Thank you, Mr. Rubin.

11 MR. JOHNSON: Do you want us to comment now or  
12 have the bidders speak later?

13 CHAIRPERSON FILKINS WEBBER: Bidders may speak, as  
14 far as I understand the process.

15 MR. JOHNSON: Do you want to give us separate time  
16 later?

17 CHAIRPERSON FILKINS WEBBER: Later, okay. Staff  
18 recommends later, given this complex process and  
19 procedure. Thank you.

20 Any other members of the public who wish to  
21 address the Commission?

22 MR. SALAVERY: Hello, Commission, David Salaverry  
23 from Berkeley, again.

24 As a conservative, as a Republican, what I want is  
25 a fair fight. And I'm afraid that we're not going to get

1 that.

2 I'm here because I'm really concerned that the  
3 institutional left, with its powerful entrenched alphabet  
4 groups will end up Gerrymander California all over again,  
5 by driving a freight train through this Commission.

6 That would be worse than the political Gerrymander  
7 that's gone on in the past.

8 Personnel is policy. Yesterday, you guys made the  
9 decision, after Nielson basically fell on its sword to do  
10 you a service, you were able to make a unanimous vote for  
11 Gibson Dunn. And so, therefore, in my, you know,  
12 uninformed political opinion, I would say that the left  
13 and the liberals have won one.

14 I would suggest that, to whatever extent is  
15 possible, you guys do some political horse trading and  
16 think about what the perception will be if Karin MacDonald  
17 and Q2 end up winning as your redistricting consultant.

18 What's going to happen from the perspective of the  
19 right and conservatives in California is the process is  
20 tainted from the beginning, and that will create a  
21 political firestorm that will come back to bite everybody  
22 in the rear at the end of this whole process.

23 I don't want to end up here -- I don't want this  
24 to end up being perceived as a class of six-year-olds in  
25 Kindergarten who, when the teacher leaves, you know, can't

1 get along.

2 I don't want the teacher, in the form of the  
3 lawyers, at the end of this process, the special masters,  
4 to have to come back, spank everybody and make it right.

5 So, I'm hoping that you will make the wise  
6 decision, which would be to go with the Rose Institute.  
7 Thank you.

8 CHAIRPERSON FILKINS WEBBER: Thank you, Mr.  
9 Salaverry.

10 MR. GOLKA: Good morning, Commissioners, Joshua  
11 Golka, with the California School Employees Association.

12 I guess, of the alphabet, we only take up the  
13 letters C, S, E and A, so the rest can speak for  
14 themselves.

15 I'm not a train conductor. I represent roughly  
16 200,000 school bus drivers, custodians, food service  
17 workers, and other classified employees that work in our  
18 schools. They look a lot like California looks, and  
19 that's who they are. And they are concerned about this  
20 process.

21 We've heard about the partisan leanings of the  
22 Rose Institute, so I won't get into those again, and those  
23 are also covered in our letter. We've heard about some of  
24 the issues they've faced in Arizona, and Florida, and in  
25 California, those are all of a concern.



1           But we're really concerned about the transparency  
2 issues with the Rose Institute. Trust me, I would have  
3 liked nothing more than to walk up here with a giant stack  
4 of papers, or one paper, like Mr. Nehring did, detailing  
5 the Rose Institute's donors, who they've done work for,  
6 and others.

7           But we can't do that because they didn't disclose  
8 it, like they were supposed to, in their bid. They  
9 decided that that wasn't information that you were  
10 entitled to and that the public's not entitled to, despite  
11 their efforts to do work for this Commission and for  
12 California. And that concerns us.

13           In their own bid they state that they receive  
14 literally thousands of donations, totally millions of  
15 dollars every year. We think that this Commission and  
16 California should know who those donations come from.

17           They also say that they have a long history of  
18 research for hundreds of entities. We would like to know  
19 who those entities are and what interests they represent.  
20 Thank you.

21           CHAIRPERSON FILKINS WEBBER: Thank you.

22           Any other member of the public who wishes to  
23 address this Commission on our technical consulting bids  
24 that are on the agenda today?

25           Seeing none, nobody? Okay. Then we'll bring it

1 back.

2 At this time I think --

3 COMMISSIONER ANCHETA: I just want to -- some real  
4 quick.

5 CHAIRPERSON FILKINS WEBBER: I was going to get to  
6 disclosure.

7 COMMISSIONER ANCHETA: Okay.

8 CHAIRPERSON FILKINS WEBBER: I was going to ask  
9 any Commissioner member, we feel it's very important for  
10 the members of the public, as well as fellow Commission  
11 members, to make any disclosures regarding their  
12 affiliations, relationships, et cetera, with any members  
13 of the public who have approached this Commission.

14 I'd like to turn it over to Mr. Ancheta.

15 COMMISSIONER ANCHETA: And very brief and very  
16 minimal. Just two speakers, Bill Wong -- Mr. Wong has  
17 been very active in Asian American issues in Southern  
18 California and Northern California. We've known each  
19 other for a long time.

20 We haven't worked really closely together since  
21 the nineties, I would think, in terms of that  
22 relationship.

23 I'd mentioned in a previous meeting Mr. Rubin,  
24 Robert Rubin. Again, we've done a lot of work together on  
25 immigrant rights activities, we served on a board together

1 in the mid-nineties, but we really haven't worked at all  
2 together, I think, in the last ten years.

3 CHAIRPERSON FILKINS WEBBER: Thank you,  
4 Commissioner Ancheta.

5 Any other Commission members who wish to disclose  
6 any affiliations or relationships with the members of the  
7 public that have spoken today?

8 Seeing none.

9 At this time each Commission member has been  
10 provided a folder of public comments on the prospective  
11 technical expert for drawing line districts.

12 It's my understanding all of these public comments  
13 in the folder have been posted online, as well as all of  
14 the evaluation team results.

15 In consultation with staff, and in accordance with  
16 the bid process and procedure, the submission for public  
17 comment on the bids closed at one o'clock yesterday.

18 Mr. Claypool has made -- if you can provide  
19 further clarification to the members of the public, as  
20 well as the Commission, as to what's contained in this  
21 folder and staff's recommendation on the procedure that we  
22 use at this point for review of this additional  
23 information.

24 (Arrival of Commissioner Blanco at 10:06 a.m.)

25 EXECUTIVE DIRECTOR CLAYPOOL: Thank you, Chairman.

1 What we have in this folder is the staff evaluation for  
2 each of the two bids that you received. You'll find them  
3 separated.

4 Q2 is the first evaluation. The second  
5 evaluation, in the second half, is for the Rose Institute.

6 Behind each of the pages, each of the staff  
7 evaluations, there are the public comments that were  
8 received through one o'clock yesterday, which was our  
9 cutoff period for -- both for and in support of the two  
10 bidders and then the public information that was deemed to  
11 be against each of the bidders.

12 And then, finally, at the very back, behind the  
13 purple page or pink page, whatever, my colors are off, are  
14 all the general comments that spoke to the process, but  
15 did not identify a comment about a particular bidder.

16 All of these comments, because of the volume of  
17 these, we do not have printed for the public all of the  
18 comments. Those have been available on our website and  
19 the comments since one o'clock continue to be on our  
20 website, but are not -- or have been posted up, but are  
21 not in this package. So, that's the sum total.

22 The bids, themselves, the evaluation team bid --  
23 or results are provided in the lobby. We provided copies  
24 to the public and are posted on our website.

25 CHAIRPERSON FILKINS WEBBER: And given the fact

1   that some Commission members -- that some of these public  
2   comments are only recently being provided to us today --  
3   is that right?

4               EXECUTIVE DIRECTOR CLAYPOOL:   Well, in fact, yes.  
5   This is the first opportunity this Commission has had to  
6   see this -- this document.  And unless you were going into  
7   the comments and checking them, this is your first  
8   opportunity to see this document.

9               CHAIRPERSON FILKINS WEBBER:   Right, the evaluation  
10  team results.  And so, the recommendation is that the  
11  Commission members take an opportunity -- and this is  
12  going to be a tedious process, and I beg the pardon of the  
13  members of the public.  But this, again, is open,  
14  transparent and a confirmation of no Bagley-Keene  
15  violations, that this is the first opportunity the  
16  Commission members have been provided to review the  
17  evaluations of staff.

18              So, we are asking that each Commission member take  
19  this opportunity, now, to review the information that has  
20  been submitted to us from staff.  Is that correct?

21              EXECUTIVE DIRECTOR CLAYPOOL:   That is correct.  
22  The one other thing that we might offer is Marian  
23  Johnston, in conjunction with our Chief Counsel, and she  
24  is one of our counsel, could provide just a brief  
25  overview, very quickly, of what we discussed yesterday for

1 the members of the public that didn't hear that  
2 presentation, and to refresh the Commission. If we could  
3 provide that, it can be brief.

4 CHAIRPERSON FILKINS WEBBER: Thank you. Ms.  
5 Johnston.

6 STAFF COUNSEL JOHNSTON: Thank you. What we have  
7 done is to take the two bids that were received and go  
8 through the evaluation checklist that had been posted  
9 online.

10 And we went page-by-page, looking only at the bid,  
11 itself, with the addition of checking out the references  
12 that were provided by each of the bidders.

13 So, your first job today is to determine whether  
14 or not the bids are responsive to the invitation for bid.  
15 We have given our best shot at it and pointed out where we  
16 see deviations, but it's ultimately up to you to decide if  
17 there are deviations and, if so, if there are any  
18 significant, in deciding whether or not a bidder is  
19 responsive. Meaning that it's met the conditions set out  
20 in the bid.

21 CHAIRPERSON FILKINS WEBBER: So, at this time the  
22 Commission will read this material and then the process  
23 and procedure is to then have staff go through and  
24 highlight the -- and break down the bid process for us, as  
25 far as going through the responsiveness and looking at the

1 cost.

2 STAFF COUNSEL JOHNSTON: Well, the second step,  
3 then, if you decide that the bids are responsive, is to  
4 open up the cost for each bid.

5 CHAIRPERSON FILKINS WEBBER: Okay.

6 STAFF COUNSEL JOHNSTON: And then beginning with  
7 the lowest of those, to look and see whether they are a  
8 responsible bidder, which has more to do with the public  
9 comment and your perception of whether or not they will  
10 act according to your wishes in doing their work.

11 CHAIRPERSON FILKINS WEBBER: Okay. And just as a  
12 matter of procedure, Mr. Miller, would you suggest that  
13 we're still in open session while we're reading these  
14 documents or --

15 LEGAL COUNSEL MILLER: I think I'd look at it this  
16 way, if you want to preserve the opportunity to ask  
17 questions of one another or the staff during the time  
18 you're reading, then you do need to remain in open  
19 session.

20 If we think of it more as library time, where  
21 people are studying the documents individually, and don't  
22 wish to have that kind of colloquy, you could do that at a  
23 break.

24 CHAIRPERSON FILKINS WEBBER: Do any Commission  
25 members have any recommendations on their thoughts on this

1 procedure?

2 COMMISSIONER GALAMBOS MALLOY: Madam Chair, I'm  
3 wondering if we could have some library time at the  
4 beginning and then reconvene with the opportunity to bring  
5 our questions back to the staff and to bidders?

6 CHAIRPERSON FILKINS WEBBER: Given the volume,  
7 does anybody have a recommendation, as I've heard the  
8 recommendation would be.

9 It is now ten after 10:00 -- excuse me,  
10 Commissioner Ward?

11 COMMISSIONER WARD: Yes, I just was going to ask  
12 if we were going to allow the bidders to speak as members  
13 of the public before we begin that process?

14 CHAIRPERSON FILKINS WEBBER: Excuse me. Pardon  
15 me.

16 Again, I appreciate your patience. This is a new  
17 procedure for us and we haven't conducted.

18 We are going to provide an opportunity to Mr.  
19 Johnson and Ms. MacDonald at this point, before  
20 consideration of staff's evaluation process, to address  
21 the Commission for five minutes each.

22 Mr. Johnson?

23 Thereafter, we will then consider the one-hour  
24 library time, as counsel's called it.

25 MR. JOHNSON: Chairwoman Filkins Webber, members



1 of the Commission, my name is Douglas Johnson.

2 And the NCA is wrong, the partisan tempest of  
3 letters and comments recently submitted to this Commission  
4 represent the real March madness.

5 The Rose Institute has more experience in  
6 nonpartisan public redistricting than anyone else.

7 In the mid-sized town of Menifee, the public  
8 submitted 35 redistricting plans, drawn using our toolkit.  
9 Imagine what we can do for you statewide.

10 Are we diverse and nonpartisan? Yes. When the  
11 Rose Institute supported the first ever statewide Latino  
12 effort to influence redistricting, the Californians for  
13 Fair Representation, in 1981, was that partisan? No,  
14 obviously not.

15 When at the Rose Institute, I helped the Congress  
16 On Racial Equality, or CORE, draw the only change to the  
17 special master's plan in 1991 that the State Supreme Court  
18 accepted was that partisan? Obviously, not.

19 Am I an academic who happens to be registered with  
20 the Republican Party? Yes.

21 I registered with a party because I wanted to  
22 participate in this State's elections. Not only in the  
23 general elections, but in the State's, unfortunately,  
24 closed primary elections.

25 Did I work for a Republican member of Congress 14

1 years ago? Yes.

2 And was he a pro-choice, pro-gun control educator  
3 who spent 18 years as President of Cal State Long Beach?  
4 Yes.

5 Was he as close to a nonpartisan as one can get in  
6 Congress? Yes.

7 Is the Rose Institute nonpartisan? Yes.

8 The Democratic Speaker of the Assembly, from 2001,  
9 is a member of the Rose Institute Board of Governors.

10 Former Assembly Speaker, now Mayor of Los Angeles,  
11 Antonio Villaraigosa, praised the Rose Institute's work  
12 as, "internationally recognized."

13 From Arizona, Democratic Commissioner Hall wrote  
14 to you that "Throughout the process Doug was impartial and  
15 unbiased."

16 ADMINISTRATIVE ASSISTANT SARGIS: One minute.

17 MR. JOHNSON: I thought I had five minutes.

18 CHAIRPERSON FILKINS WEBBER: I'm sorry, you have  
19 five minutes.

20 ADMINISTRATIVE ASSISTANT SARGIS: I apologize.

21 MR. JOHNSON: That's okay. It's timed.

22 So, "he had a unique ability to synthesize that  
23 which is very complicated and make it very understandable  
24 for the public."

25 Who do you think is more believable, Democratic

1 Commissioner Hall, Speaker Hertsberg, and Mayor  
2 Villaraigosa, or partisans writing whatever they think  
3 will influence you in the heat of the moment.

4 On the issue of working for local governments,  
5 someone told you that anyone willing to offer advice to  
6 Madera, Modesto, or Compton somehow does not respect the  
7 Voting Rights Act.

8 I'm insulted. There is no stronger advocate of  
9 fairness, opportunity and voting rights for each and every  
10 American. I have great respect for the NAACP, MALDEF, the  
11 Asian Pacific Legal Center, and the Lawyers Committee for  
12 Civil Rights. Their work, undeniably, has changed our  
13 society for the better.

14 Since 2001, California Voting Rights Act lawsuits  
15 have forced or influenced five jurisdictions to change to  
16 district elections.

17 My work has led to over 20 jurisdictions to change  
18 from at-large to district elections, with the goal of  
19 improving Latino opportunities to elect candidates of  
20 their choice, 20 versus five.

21 The system needs plaintiffs, undeniably, but it  
22 also needs those willing to work with the jurisdictions  
23 who want to study the law and do what the law says.

24 And, by the way, every one of those jurisdictions  
25 is nonpartisan.

1           This Commission has talked about its ability to  
2   hire the expertise it needs. Your lawyers are very smart  
3   people, but they have never worked for a Section 5  
4   jurisdiction.

5           Q2 are also very smart, professional people, but  
6   they have no experience redistricting jurisdictions under  
7   Section 5.

8           This Commission has only one option if it wants to  
9   hire anyone who has ever worked on a pre-clearance filing,  
10   the Rose Institute team.

11           ADMINISTRATIVE ASSISTANT SARGIS: One minute.

12           MR. JOHNSON: Thank you. Redistricting at state  
13   and public is a big project. We've done it before, we  
14   know.

15           Can the Rose Institute handle it professionally,  
16   fairly, and by ourselves? Yes.

17           Will there be controversy if the Commission hires  
18   only Rose or only Q2? Obviously.

19           I ask you today to endorse the Rose Institute  
20   proposal before you. But if you so direct, we're happy to  
21   sit down with Q2 and come to you with a team approach.

22           As we will, when drawing the lines --

23           ADMINISTRATIVE ASSISTANT SARGIS: Thirty seconds.

24           MR. JOHNSON: -- the Rose Institute is here to  
25   offer you options and the decision is up to you. Thank

1 you.

2 CHAIRPERSON FILKINS WEBBER: Thank you, Mr.

3 Johnson.

4 MS. MAC DONALD: Good morning, Commissioners.

5 CHAIRPERSON FILKINS WEBBER: Good morning, Ms.

6 MacDonald.

7 MS. MAC DONALD: I've brought a couple of letters  
8 that I want to make sure you received. We submitted them  
9 a couple of days and they weren't posted yesterday, as of  
10 one o'clock, so I'm just passing them out.

11 And there's also enough copies for the public.

12 Thank you very much for the opportunity to speak,  
13 it's nice to see all of you this early morning, in  
14 Sacramento.

15 So, I would like to address a few points that have  
16 been raised about me in the public comments and, you know,  
17 also by speakers.

18 So, let me start by the claims that -- the  
19 continuing claims that I am a Democrat. I am just not a  
20 Democrat, I really am not. I'm a declined-to-state voter.  
21 I am not a political person. I don't know -- you know,  
22 there's only so often one can say that you're just not a  
23 Democrat.

24 You know, decline-to-state people just don't have  
25 the opportunity to go to the decline-to-state convention

1 or, you know, something like that and then say, okay, here  
2 is my evidence, you know, I went to this convention and I  
3 was a part of that team, but there's just no such thing.

4 So, I continue to say I'm just not -- I'm not a  
5 Democrat.

6 My politics really are about access for people  
7 with dogs to public places. And I wish I had a little  
8 more time for it, but that is really what it is. And I  
9 think that's a nonpartisan issue, I believe that.

10 And then people have said that it's really not  
11 about me and about my partisanship, it really is about  
12 Bruce Cain.

13 Now, that irks me a little bit because he's just  
14 really not on the proposal.

15 And yes, it's true, Bruce Cain is the PI, the  
16 principle investigator of the Statewide Database at UC  
17 Berkeley. And that is because every project that you see  
18 has to have a principle investigator, and Bruce was the  
19 one who took this project on long before I was hired. So,  
20 that is just -- it is what it is.

21 But Bruce is not at UC Berkeley. He lives in D.C.  
22 He works in D.C. He has nothing to do with this proposal.  
23 This proposal is written by seven women and one computer  
24 guy.

25 And, you know, if I go home and I tell seven women

1   that these claims have been made that we need a guy who is  
2   in D.C., whose interests are in D.C., to influence or  
3   supervise our work, you know, I'm not going to go home in  
4   one piece.

5           So, you know, that may be something that Bruce  
6   would dream of, that he could supervise seven women and  
7   tell them what to do, but it just doesn't happen.

8           And, really, he hasn't had anything to do with  
9   anything other than one project, which is the United  
10   States Election Assistance Commission Project we did on  
11   overseas military voters five something years ago, and  
12   that is when we formed Q2. And because we did this  
13   project together, Bruce is a minority partner of Q2.

14           I can tell you that I do everything on Q2. I'm  
15   the managing partner -- I'm the manager of Q2 and he has  
16   nothing to do with it. And we really don't want him to  
17   have anything to do with this, either.

18           This has -- this whole experience has been a  
19   little bit like living in the Twilight Zone for me because  
20   I've run a nonpartisan shop at Berkeley. And, you know,  
21   especially the members of our Republican Board, at the  
22   Statewide Database, just used to love me. And they did  
23   until at Claremont somebody came up, apparently, and said  
24   I am a Democrat all of the sudden.

25           So, I'm not a Democrat. Again, one more time.

1 And I also never thought that I would sit here and say, in  
2 response to claims made about me by the Chair of the  
3 Republican Party. I mean, I am flattered, I have to say  
4 that the Chair of the Republican Party feels like he has  
5 to, you know, comment on something that I'm doing, but --  
6 and I actually wanted to thank him because I could have  
7 done a better job on my CV, highlighting some issues about  
8 our statewide work.

9           So, let me just say something about pre-clearance  
10 and about statewide work. You will see on multiple  
11 members of our team's resume that we've done work on a  
12 project that is called Competition in Redistricting in  
13 California, Lessons for Reform, and the implications of  
14 nesting in California redistricting.

15           In both of those projects, I set up an entire --

16           ADMINISTRATIVE ASSISTANT SARGIS: One minute.

17           MS. MAC DONALD: -- methodology for statewide  
18 redistricting. I implemented the project, I supervised  
19 absolutely every aspect of it. So it was they were  
20 multiple -- so, there were two statewide projects in which  
21 multiple plans were drawn, looking at all different  
22 criteria. They were looking for criteria interactions, we  
23 were drawing Voting Rights District, and we were looking  
24 at what happens when you prioritize one criterion over the  
25 other.



1           And I think at least a couple of Commissioners  
2 here have read those papers, they're on the Statewide  
3 Database website.

4           ADMINISTRATIVE ASSISTANT SARGIS: Thirty seconds.

5           MS. MAC DONALD: Okay. And, also, one member of  
6 our team actually used to supervise or use to work on pre-  
7 clearance at the Voting Rights -- at the Department of  
8 Justice, in the Voting Rights section.

9           So, Ana Henderson has been working on Section 5,  
10 she also has statewide experience on multiple levels.

11           So, that I should -- I think that's pretty much  
12 it. If you have any questions, I would love to answer  
13 them. And I hope I was responsive in the bid to you and  
14 thank you very much.

15           CHAIRPERSON FILKINS WEBBER: Thank you, Ms.  
16 MacDonald.

17           Mr. Miller wishes to address the Commission.

18           LEGAL COUNSEL MILLER: Just very briefly.  
19 Yesterday, at the conclusion of the meeting, you requested  
20 us to prepare a resolution thanking Marguerite Leoni for  
21 the proposal they provided.

22           In retrospect, we thought that a letter seemed to  
23 work better than a resolution and have prepared a draft  
24 letter for the Chair to send on behalf of the Commission.

25           If you'd like, I can read the letter or just give

1 it to you to -- would you like me to read the --

2 CHAIRPERSON FILKINS WEBBER: Do other  
3 Commissioners wish to hear it at this point? It sounds --  
4 it's probably brief, and we can do that, and then we'll be  
5 taking our recess. Please, Mr. Miller.

6 LEGAL COUNSEL MILLER: Whatever -- whatever --  
7 here's what we would propose to say and perhaps it's nice  
8 to read it publicly.

9 "On behalf of the Citizens Redistricting  
10 Commission I have been unanimously requested to  
11 offer our appreciation for the thorough and  
12 thoughtful presentation you prepared in connection  
13  
14 with the search for Voting Rights Act counsel.  
15 Your extensive experience, personal presence, and  
16 record as a seasoned professional in voting rights  
17 matters are beyond reproach.  
18 The proposal you submitted set a high standard and  
19 the Commission is pleased and grateful that your  
20 firm elected to be part of our process.  
21 In particular, the Commission also recognizes and  
22 is thankful for the gracious actions your firm  
23 took that made resolution of the selection process  
24 possible. Selfless acts for the benefit of the  
25 greater public good are not commonplace and we

1           certainly saw an example of that in your elegant  
2           closing statement to the Commission.

3           Please accept our gratitude for your support of  
4           this process."

5           CHAIRPERSON FILKINS WEBBER: Thank you.

6           At this time the Commission will go into recess  
7   for -- it's almost 10:30. We will return at 11:30. And  
8   during this time, for members of the public, the  
9   Commission will be reading the evaluation, team results  
10   that we have received from staff regarding our technical  
11   consultants.

12           We will return at 11:30 to resume our review of  
13   the consulting reports -- or consultants. Thank you.

14           (Off the record at 10:26 a.m.)

15           (Back on the record at 11:30 a.m.)

16           CHAIRPERSON FILKINS WEBBER: We are back on the  
17   record following our recess. Today's March 19<sup>th</sup> of the  
18   Citizens Redistricting Commission.

19           And again, for the members of the public, as well  
20   as Commission members, and to reiterate for myself this  
21   entire complex process, as we had discussed yesterday, and  
22   our Executive Director, Mr. Claypool, went through, this  
23   is a two-part process.

24           And this first process is an opportunity for, and  
25   which we have just done, for the full Commission to review

1 staff's notes and to determine whether there have been any  
2 deviations documented by staff as to whether -- or from  
3 the actual invitation to bid, and whether any of those  
4 deviations that might have been noted constitute a  
5 material deviation, such to warrant that they would not  
6 pass. In other words, they would fail their  
7 responsiveness to the bid process.

8 And, certainly, chime in staff if I'm doing  
9 anything --

10 STAFF COUNSEL JOHNSTON: That's exactly correct.

11 CHAIRPERSON FILKINS WEBBER: Oh, thank you very  
12 much. Okay. Just to make sure, I'm reiterating it for  
13 myself and again for the members of the public that are  
14 tuning in, and that are here as well, so that we can  
15 follow this process.

16 As everyone is well aware, we have two candidates  
17 and in that regard, for the purposes of ease of time, we  
18 will look at -- as it is presented to us in our packet, we  
19 will start with Q2 and Data Research, LLC.

20 In that regard, staff, Ms. Johnston, did you want  
21 to go through that? It's my understanding we will first,  
22 at this point, determine in the evaluation that staff has  
23 noted for consideration of the Commission anything that  
24 may not have been responsive to the request for bid -- or  
25 the invitation for bid.

1           STAFF COUNSEL JOHNSTON: And as we note on page 13  
2 of our evaluation, we did not find any deviations or  
3 errors to report to you.

4           CHAIRPERSON FILKINS WEBBER: Okay.

5           STAFF COUNSEL JOHNSTON: But I'll be happy to go  
6 through the whole evaluation, if you wish.

7           CHAIRPERSON FILKINS WEBBER: Does anyone have any  
8 questions regarding staff's evaluation of Q2?

9           EXECUTIVE DIRECTOR CLAYPOOL: Perhaps it would be  
10 advantageous to just briefly go through, have Ms. Johnston  
11 go through the entire Q2 evaluation so that you can see  
12 where the information came from and if you have any  
13 questions.

14          CHAIRPERSON FILKINS WEBBER: Thank you, that would  
15 be helpful. Ms. Johnston.

16          STAFF COUNSEL JOHNSTON: Okay, and Raul will also  
17 chime in, as he has things to add.

18          Beginning on page 4, as far as the --

19          CHAIRPERSON FILKINS WEBBER: Excuse me, I'm sorry,  
20 Ms. Johnston, can you -- obviously, their bid, and I'm  
21 assuming that you're going to go back and forth. Are you  
22 referring to page 4 of the evaluation?

23          STAFF COUNSEL JOHNSTON: Page 4 of our evaluation.

24          CHAIRPERSON FILKINS WEBBER: Thank you.

25          STAFF COUNSEL JOHNSTON: As to the requirements of

1 how the bid was to be presented to us, we found that there  
2 was no deviation from what you requested. We have not yet  
3 checked the cost, obviously, since that's still been  
4 closed. And we have not yet verified the cost worksheet.

5 On the next, as to what attachments they were  
6 required to provide, it did make our task substantially  
7 easier that they actually tabbed the attachments. So,  
8 every time we looked for an attachment we could go to  
9 their binder and find where the attachment was included.

10 And, in fact, they did include all the required  
11 attachments.

12 And to note for the Commission, one they are not  
13 required to include, but may include, is attachment G,  
14 finding that they are a small business preference. And as  
15 we'll note later, we did verify that they are entitled to  
16 that preference as a small business.

17 COMMISSIONER DAI: I'm sorry, Ms. Johnston, could  
18 you -- for some of us who are not -- the small business  
19 preference, is that something that's a government --

20 STAFF COUNSEL JOHNSTON: It's a State of  
21 California requirement that it's a -- Raul can probably  
22 explain it better.

23 BUSINESS MANAGER VILLANEUVA: Okay. To gain a  
24 small business preference you actually have to go and  
25 apply for it, there's a process.

1           When the bid was submitted, along with it was the  
2 information from the Department of General Services,  
3 indicating that that application had been accomplished and  
4 approved by the Department of General Services.

5           And so we went back, after that, and verified that  
6 it was part of the record.

7           COMMISSIONER DAI: So, what does that mean?

8           STAFF COUNSEL JOHNSTON: It's a five percent or  
9 \$50,000, whichever is less.

10          CHAIRPERSON FILKINS WEBBER: So in other words, if  
11 the monetary bids were the same, the small business would  
12 get preference of consideration for the lowest bid because  
13 it will go down five percent.

14          STAFF COUNSEL JOHNSTON: Exactly.

15          COMMISSIONER DAI: Five percent or 50,000,  
16 whichever is greater?

17          CHAIRPERSON FILKINS WEBBER: No, five percent of  
18 the total.

19          COMMISSIONER DAI: I thought he said five percent  
20 or 50,000.

21          BUSINESS MANAGER VILLANEUVA: No, it's five  
22 percent of the lowest bid. So if Q2 is the lowest bid, it  
23 becomes moot. If Rose is the lowest bid then at that  
24 point you would evaluate the five percent consideration.

25          COMMISSIONER DAI: Thank you.

1 STAFF COUNSEL JOHNSTON: And is there a --

2 BUSINESS MANAGER VILLANEUVA: It wouldn't apply  
3 with here.

4 STAFF COUNSEL JOHNSTON: Okay. And then Bill was  
5 going to evaluate -- to the general services.

6 BUSINESS MANAGER VILLANEUVA: Yes, right. If you  
7 look at L, the contractor evaluation, we were able --

8 STAFF COUNSEL JOHNSTON: Page 7.

9 EXECUTIVE DIRECTOR CLAYPOOL: On page 7. We were  
10 able to accomplish that, also, and so that was verified,  
11 that no negative STD 4 contractor evaluation had been  
12 filed for Q2.

13 STAFF COUNSEL JOHNSTON: In the next section, the  
14 bid requirements checklist, was mostly provided by their  
15 answers to their scope of work section. And again, we  
16 went through each of the requirements and found that the  
17 material they provided satisfied all the requirements in  
18 the request for the bid.

19 Again, without -- nothing as to the costs.

20 Probably, what the Commission may like to look at  
21 the most are the Attachment E documents, on page 14 of our  
22 evaluation, which has to do with the projects. We asked  
23 them to provide projects where they had provided  
24 redistricting services.

25 And here they did give us the information, first



1 as to the City of San Diego, with a start date and an end  
2 date, which was within the 20 years as you had specified,  
3 and what the population was of San Diego.

4 The second project they gave was San Francisco  
5 and, again, the start and end date was within the last 20  
6 years. And the -- again, the population diversity.

7 You had set out a requirement that they provide  
8 references that fell within certain guidelines. And as  
9 two of your suggested guidelines were San Diego and San  
10 Francisco, it wasn't hard to conclude that they met that  
11 requirement.

12 Now, to describe the contractor's role. In their  
13 documents, themselves -- and I should say here we -- the  
14 document that we put in our yes/no answers all came from  
15 the bid, itself. Later on we have comments that we  
16 received from the references. So, they may or may not  
17 coordinate, so we've listed them separately.

18 CHAIRPERSON FILKINS WEBBER: And again, just for  
19 the public's reference in following along, you're on page  
20 16 of your evaluation of Q2.

21 BUSINESS MANAGER VILLANEUVA: Correct.

22 STAFF COUNSEL JOHNSTON: Right.

23 CHAIRPERSON FILKINS WEBBER: Thank you.

24 STAFF COUNSEL JOHNSTON: Neither of the two  
25 projects that they did were subject to the Section 5

1 analysis, they did not require pre-clearance.

2 They did do a Section 2 analysis on each of those  
3 projects.

4 They did one for San Francisco, the second  
5 project, and the analysis showed that the Section 2 was  
6 not applicable, but they still did the analysis.

7 Then we contacted their two references and, again,  
8 this was a joint project where Raul and I were both on the  
9 phone, and asking questions and making notes.

10 And so what this is, is a compilation of our notes  
11 from our telephone conversations with the two references.

12 Mr. Saito was the Redistricting Vice-Chair when  
13 San Diego did its redistricting. He verified the  
14 information they'd provided as to that Q2 was the  
15 contractor and did provide the work as specified.

16 BUSINESS MANAGER VILLANEUVA: One thing of note,  
17 when we were having the conversations, the questions, the  
18 primary questions we asked are the ones that you see here.

19 STAFF COUNSEL JOHNSTON: Sometimes they gave us  
20 other information as well, which we also noted.

21 They provided kits for the public, allowing the  
22 public to participate in the process, understand  
23 redistricting, and even draw their own maps.

24 They drew alternative maps for the commission in  
25 order to allow the commission to evaluate different

1 alternatives.

2           And Mr. Saito verified that Section 2 was of  
3 particular concern in San Diego and that the work provided  
4 by Q2 did perform that analysis, and that the Q2 analysis  
5 was used in identifying populations of interest and where  
6 the lines should be drawn.

7           Again, I say, the Section 5 was not applicable to  
8 San Diego.

9           As to their contact between Q2 and the public, the  
10 agency, they found that, again, Q2 was very important and  
11 helpful to the commission. One time the commission faced  
12 an emergency where Q2 stepped in and helped to keep  
13 things going. Frequently, they met late into the night  
14 and they were -- Mr. Saito was quite praising of their  
15 helpful, professional attitude towards dealing with the  
16 public, and dealing with the Commission, and dealing with  
17 staff.

18           There was a -- they handled the data confidential  
19 and the database was sufficient to allow them to meet  
20 their needs.

21           The second person we contacted was the  
22 Redistricting Commission of San Francisco, a member of  
23 that Commission, Quintin Mecke.

24           Again, he verified the data that they provided.  
25 One problem is that Q2 was not -- the time was shortened

1 that San Francisco had because an election was moved up,  
2 and so they had a much shorter time than they had  
3 anticipated to do the line-drawing. And Q2 was very  
4 helpful, working around the clock, as he described it, to  
5 meet the time frame that they were required to satisfy.

6 They prepared multiple scenarios for the  
7 commission so they could evaluate different approaches.  
8 He confirmed that they did do the Section 2 analysis, even  
9 though they found that San Francisco was not required to  
10 do anything subject to Section 2.

11 Again, that they were very helpful to meeting the  
12 deadlines.

13 As to the personnel, they did provide resumes of  
14 the people and identified what roles those people were  
15 going to provide, if you accepted their bid.

16 Among those people we found they had experience in  
17 all of the required areas of knowledge. We go through,  
18 for each of the resumes provided, showing what that  
19 person's background was, what the title will be, what the  
20 history had been.

21 Karin MacDonald had not had litigation, not been  
22 involved in litigation, but there are others who do have  
23 that experience.

24 Ana Henderson, as shown by her resume, did work  
25 with the Department of Justice Voting Rights Section and

1 had done considerable Title 2 -- or Section 2 and Section  
2 5 work.

3 They had a person responsible for coordinating  
4 public input, and that was Bonnie Glaser.

5 One thing that we thought was interesting, and  
6 I'll just call it to your attention, was that they  
7 proposed having regional coordinators to divide California  
8 into sections, and have one person responsible for each  
9 area, so that the people from that area could have  
10 continued contact with the same person as far as public  
11 input, and develop some trust and communication lines with  
12 that person.

13 And so they listed the four people that they  
14 propose to use for that work.

15 And then, finally, they identified an information  
16 technology specialist who, from his resume, has  
17 substantial experience in security issues, IT issues,  
18 maintaining security for the database, and so forth.

19 And that, basically, was our conclusion. Anything  
20 you'd like to add, Raul?

21 CHAIRPERSON FILKINS WEBBER: Do any of the  
22 Commission members have questions of staff regarding this  
23 review of Q2?

24 COMMISSIONER YAO: Yes.

25 CHAIRPERSON FILKINS WEBBER: Commissioner Yao?

1 COMMISSIONER YAO: On page 23 --

2 STAFF COUNSEL JOHNSTON: Of the bid or our

3 analysis?

4 COMMISSIONER YAO: Of the package we've been

5 looking at, this is the analysis.

6 STAFF COUNSEL JOHNSTON: Uh-huh.

7 COMMISSIONER YAO: The list of items A through H,

8 under the heading "Resume," "must specify project

9 experience illustrative of the contractor, contractor's

10 staff and all contractor, subcontractor have knowledge

11 and/or expertise in the following areas" --

12 BUSINESS MANAGER VILLANEUVA: Right.

13 COMMISSIONER YAO: This list was -- is --

14 BUSINESS MANAGER VILLANEUVA: It was part of the

15 bid.

16 COMMISSIONER YAO: Came from the statement of

17 work?

18 BUSINESS MANAGER VILLANEUVA: Yes.

19 COMMISSIONER YAO: Okay. And how do you determine

20 as to whether it's a yes or a no? Does everybody on the

21 staff have to have that kind of knowledge?

22 STAFF COUNSEL JOHNSTON: No.

23 COMMISSIONER YAO: One person has to have that

24 knowledge?

25 BUSINESS MANAGER VILLANEUVA: What we did is there

1 was -- there was narrative within the bid, itself, as well  
2 as going into the resumes, so we looked in both places.

3 COMMISSIONER YAO: So if one person has that  
4 knowledge, then that would justify a yes?

5 STAFF COUNSEL JOHNSTON: Yes.

6 BUSINESS MANAGER VILLANEUVA: Correct, that was  
7 the requirement.

8 COMMISSIONER YAO: Okay. Thank you.

9 CHAIRPERSON FILKINS WEBBER: Any other questions  
10 of staff?

11 So, procedurally, at this point, it's my  
12 understanding that we would then consider, and correct me  
13 if I'm wrong, staff, that the Commission must make a  
14 determination of whether, based on the analysis provided  
15 by staff, whether they have passed the responsive portion  
16 of the bid process.

17 STAFF COUNSEL JOHNSTON: Correct. And your own  
18 review of the contract -- of the proposal.

19 CHAIRPERSON FILKINS WEBBER: Okay. Do any  
20 Commission members have any further discussion regarding  
21 the responsiveness of Q2 Data & Research, LLC for our bid?

22 COMMISSIONER ANCHETA: Just a question, again,  
23 regarding disclosure, in terms of timing of disclosure, if  
24 we have any knowledge or a former relationship with any  
25 member of this particular or the other contractor, when we

1 would want to disclose those or --

2 CHAIRPERSON FILKINS WEBBER: I suspect that would  
3 be better at the time of a vote and as the procedure had  
4 been discussed previously, at the commencement of our --  
5 usually, our sessions.

6 But if you'd like to proceed now, Mr. Ancheta,  
7 that would be great.

8 COMMISSIONER ANCHETA: Whichever. So, two  
9 individuals or one member of Q2 who I've worked with in  
10 the past is Ana Henderson. Not in her capacity at Q2, but  
11 in her capacity with the Warren Institute.

12 She editing a book on the Voting Rights Act, I  
13 provided a chapter on that, she edited that.

14 I have, up until about a week or two ago, and I  
15 didn't know, actually, that she was on Q2, I have been  
16 checking in with her occasionally to get some information  
17 regarding Voting Rights Act attorney prospects and also  
18 just inquiries regarding a technical consultant and,  
19 again, just sort of getting information and how we might  
20 go about looking at that kind of person.

21 And I haven't spoken to her in about a week or so  
22 and, again, I had no idea she was on the Q2 team, so  
23 that's for that.

24 I do know one of the references, but I don't know  
25 if you want to -- within the application, itself, so I can



1 do that.

2 CHAIRPERSON FILKINS WEBBER: Please, full  
3 disclosure.

4 COMMISSIONER ANCHETA: Sure. So, Leland Saito,  
5 who is a professor, I've known him for many years. He did  
6 some work, I believe, or at least was studying the  
7 early -- the 1990 state redistricting. And as I've  
8 mentioned in the past, I was working with Asian American  
9 organizations at the time. I can't remember if he was  
10 part of that coalition formally, or he was a very careful  
11 observer at the time.

12 But, certainly, we've known each other for a long  
13 time and have interacted. I haven't spoken to him in  
14 probably at least a year or so. And we don't have any  
15 sort of -- any kind of ongoing working relationships in  
16 terms of scholarship. We may see each other at  
17 conferences and things, but that's about it.

18 CHAIRPERSON FILKINS WEBBER: You're finished, any  
19 other --

20 COMMISSIONER ANCHETA: I'm done, that's it.

21 CHAIRPERSON FILKINS WEBBER: Commissioner Blanco?

22 VICE-CHAIRPERSON BLANCO: Well, what do you think?

23 (Laughter)

24 VICE-CHAIRPERSON BLANCO: I have -- have not -- I  
25 don't believe I've worked -- I may have worked on a

1 project with Ms. MacDonald, but I know her, personally.  
2 And also their election administration center is located  
3 at UC Berkeley School of Law, where the Warren Institute,  
4 that I was the director of was also housed, and her office  
5 was down the hall from me.

6 And I don't think we've done redistricting work  
7 together, but I'm not sure. But I know her well.

8 Ana Henderson was my employee. When I was the  
9 Director of the Warren Institute she -- we had a program  
10 area called Opportunity and Inclusion, which covered areas  
11 of voting. We did work on tracking health disparities and  
12 issues around disparities to public park access, and  
13 healthy environments. And looked at them from a legal  
14 perspective, whether those were legal violations if there  
15 were disparities.

16 I know, because of my acquaintance with the  
17 Election Administration Center, I know Ms. -- I know a  
18 couple of members of the team, not well, but I know Ms.  
19 Glaser and Ms. Boyle.

20 And I've seen Mr. Chen Li, we say hello in the  
21 elevator.

22 In terms of -- I mean, because the whole team was  
23 literally down the -- you just need to know, the whole  
24 team's literally down the hall from where I used to work.

25 I don't believe I know any of the other people

1 involved in the team.

2 CHAIRPERSON FILKINS WEBBER: I have one question.  
3 Did staff, in consideration of attachment four, regarding  
4 potential conflicts, were those confirmed, verified, this  
5 particular portion of the response to the bid?

6 STAFF COUNSEL JOHNSTON: We did not look outside  
7 what was submitted by the bidder and the references.

8 CHAIRPERSON FILKINS WEBBER: And the information  
9 concerning that is on what page of your evaluation?

10 BUSINESS MANAGER VILLANEUVA: It would be on page  
11 6, item number D.

12 STAFF COUNSEL JOHNSTON: Six?

13 BUSINESS MANAGER VILLANEUVA: Page 6 of the  
14 evaluation form and that would be item number D. D as in  
15 David.

16 STAFF COUNSEL JOHNSTON: And it is attachment four  
17 in the blue binder.

18 And we did not just take her at the word, we also  
19 reviewed the resumes to see if the resumes were consistent  
20 with the information provided in the descriptive portion.

21 CHAIRPERSON FILKINS WEBBER: Okay. So, this is a  
22 signed statement from Ms. MacDonald. So, I guess my  
23 question is, is whether staff has performed any further  
24 detailed analysis of the potential conflicts or received  
25 any full execution of any other staff member, or whether

1 that was required of any other staff member of Q2?

2 STAFF COUNSEL JOHNSTON: It was not required. Our  
3 only cross-check was with the references of the staff  
4 members that were given to us. So, they did provide  
5 resumes for each of the staff members and we reviewed  
6 those to verify the comments that were made.

7 CHAIRPERSON FILKINS WEBBER: Okay. So, staff's --  
8 staff's confirmation, on page 6, is also further  
9 verification that each of the staff members of Q2 have  
10 also been cleared for the conflicts under 8252?

11 BUSINESS MANAGER VILLANEUVA: Commissioner Filkins  
12 Webber, in regards to the way the IFP was delineated, when  
13 the bidder responded, they were supposed to respond in  
14 terms of themselves, the staff, the key staff that would  
15 be working on the project, as well as any contractors.  
16 And so signature to that would then be associated with  
17 complying with those directions. And that was as part of  
18 attachment four, with the IFP.

19 CHAIRPERSON FILKINS WEBBER: Okay. In other  
20 words, then, through the references that's the only  
21 verification that was made by staff.

22 STAFF COUNSEL JOHNSTON: The resumes.

23 CHAIRPERSON FILKINS WEBBER: And the resumes,  
24 okay. Thank you.

25 Any other questions from any Commission member?

1 Commissioner Parvenu?

2 COMMISSIONER PARVENU: Yes, I must be missing  
3 Attachment F. But on page 2, since I'm not so proficient  
4 at State jargonese and acronyms, can you please spell out  
5 or indicate what -- I understand the small business  
6 description and that calculation, but what are some of  
7 these others, like EZA, and TACPA, and LAMBRA, for the  
8 record?

9 BUSINESS MANAGER VILLANEUVA: No, the actual IFP?

10 COMMISSIONER PARVENU: And we don't have an  
11 attachment F here so I --

12 BUSINESS MANAGER VILLANEUVA: No, because it  
13 wasn't applicable. And if I can get a copy of the IFP, I  
14 can let you know --

15 COMMISSIONER PARVENU: Okay. Well, that's a moot  
16 point then, I don't need an explanation here.

17 STAFF COUNSEL JOHNSTON: It's a different kind of  
18 preference that neither one requested.

19 COMMISSIONER PARVENU: Okay, that's fine, good  
20 enough for me.

21 CHAIRPERSON FILKINS WEBBER: Are there any other  
22 questions or any other discussion from any Commission  
23 member regarding Q2 Data and the first phase of their  
24 responsiveness to our invitation for bids?

25 Seeing none, Counsel, do you agree that this is

1 the opportune time to entertain a motion for confirmation  
2 of whether Q2 has been responsive to our bid and would  
3 therefore be considered passing?

4 STAFF COUNSEL JOHNSTON: You could ask for  
5 anything from the bidder, but since we didn't come up with  
6 anything, it probably isn't necessary.

7 CHAIRPERSON FILKINS WEBBER: Correct, that's what  
8 I figured.

9 LEGAL COUNSEL MILLER: Yes.

10 (Laughter)

11 CHAIRPERSON FILKINS WEBBER: Okay. I'll entertain  
12 a motion.

13 COMMISSIONER FORBES: So moved.

14 COMMISSIONER AGUIRRE: Second.

15 CHAIRPERSON FILKINS WEBBER: I think we -- at this  
16 point I do believe we open it up for public comment on the  
17 motion that is on the floor at this time.

18 Any members of the public who wish to address the  
19 Commission on the present motion, solely on the  
20 responsive -- you understand, Mr. Johnson, thank you.  
21 No need to reiterate it.

22 MR. JOHNSON: Thank you. Madam Chairman, I would  
23 encourage you to pass this motion.

24 But I just want to point out one thing that this  
25 shows. There's a section in here where we all had to say

1 have we ever done any work for anyone who's ever endorsed  
2 a ballot measure? That's a part you've all heard a lot  
3 about because we responded how on earth would we know?

4 That is highlighted by the fact that Q2 lists that  
5 they have done work for the Lawyers Committee for Civil  
6 Rights and then they say that, no, they've never done any  
7 work for anyone that's endorsed a ballot measure. And the  
8 Lawyers Committee for Civil Rights is listed on many  
9 webpages as being on the "no on Prop 54" campaign.

10 Again, I don't -- I think you should pass this  
11 motion, but I point that out as -- as an example of why,  
12 in our proposal, we said how on earth would we know what  
13 everyone we've ever come into contact with has done.  
14 Thank you.

15 CHAIRPERSON FILKINS WEBBER: Thank you, Mr.  
16 Johnson.

17 Any other member of the public? Please, Ms.  
18 MacDonald.

19 MS. MAC DONALD: Thank you. Thank you very much.  
20 Yeah, on that particular point, thank you for pointing  
21 that out, Mr. Johnson, I passed out a couple of letters,  
22 earlier, that didn't apparently make it onto the website  
23 by one o'clock yesterday.

24 We were in error at not listing the Lawyers  
25 Committee on this particular donation. We actually

1 thought it was the -- there's a national organization and  
2 then there is the local organizations of the Lawyers  
3 Committees.

4 And, you know, with apologies, we thought it was  
5 the national organization, we then found out it was the  
6 local organization, the Lawyers Committee of the Bay Area,  
7 or the San Francisco Bay Area that made the donation.

8 So, we just wanted to clarify that and I  
9 apologize, we did not mean to mislead you.

10 CHAIRPERSON FILKINS WEBBER: Any other member of  
11 the public who wishes to address the Commission on the  
12 motion that's on the floor?

13 Seeing no one, we'll bring it back to the full  
14 Commission.

15 Has it been determined by staff that this was  
16 timely submitted by Ms. MacDonald regarding an apparent  
17 omission in her bid?

18 STAFF COUNSEL JOHNSTON: It was -- all we  
19 considered was what was submitted with the bid, we did not  
20 consider anything submitted later.

21 CHAIRPERSON FILKINS WEBBER: Okay. But have we  
22 confirmed that as what Ms. MacDonald has confirmed was  
23 that this was not posted?

24 STAFF COUNSEL JOHNSTON: Oh, I don't know.

25 CHAIRPERSON FILKINS WEBBER: In other words, we



1 are not entitled to consider new or additional information  
2 outside of the bid, or the public comments beyond one  
3 o'clock, and the representation that's being made is that  
4 this was timely submitted, it just didn't make it on the  
5 website and I'd like --

6 STAFF COUNSEL JOHNSTON: It was submitted in time  
7 for the bid.

8 CHAIRPERSON FILKINS WEBBER: I understand.

9 STAFF COUNSEL JOHNSTON: It may have been  
10 submitted in time for public comment, I don't know.

11 CHAIRPERSON FILKINS WEBBER: That's what --  
12 there's a balance here. So, was it submitted --

13 ADMINISTRATIVE ASSISTANT SARGIS: I don't know  
14 what time it came in, but I can confirm that, if you give  
15 me a minute.

16 CHAIRPERSON FILKINS WEBBER: Please.

17 MS. MAC DONALD: I'm trying to download the e-  
18 mail, it was submitted on Thursday night, so I'm trying to  
19 download the e-mail.

20 EXECUTIVE DIRECTOR CLAYPOOL: We actually -- Raul  
21 has given me some clarification, so I'm going to let Raul  
22 explain the circumstances.

23 BUSINESS MANAGER VILLANEUVA: Okay. When we  
24 received that information I brought it to the attention of  
25 the Office of Legal Services, Department of General

1 Services for the primary reason that typically, when a bid  
2 is received, that actual document is -- excuse me, that  
3 actual document is what serves as the bid, itself.

4 Information that comes outside of that bid or  
5 outside of that document is in addition to. And so, we  
6 wanted clarification on would this be additional  
7 information to outside of the bid and received an  
8 affirmative to that.

9 So, basically, what we could evaluate and what we  
10 should look at is what was received on time, by five  
11 o'clock, as was designated by the invitation for bid.

12 CHAIRPERSON FILKINS WEBBER: But this is what my  
13 problem is, and please clarify this for me. This is an  
14 omission so, obviously, it's not inclusive in the bid.

15 Mr. Claypool?

16 EXECUTIVE DIRECTOR CLAYPOOL: You're absolutely  
17 right and now that we know the circumstances because --  
18 that we had it, but it couldn't be included insofar as OLS  
19 is concerned, this would be a material deviation that you  
20 would have to consider as the Commission, as to whether or  
21 not it affects the responsiveness of the bidder.

22 So, and I apologize for not knowing the sequence  
23 for that, but Ms. MacDonald is correct, they submitted it  
24 in time. But insofar as the Office of Legal Services was  
25 concerned, it could not be included and that's why it was

1 not provided.

2 CHAIRPERSON FILKINS WEBBER: And it may not  
3 necessarily add to the responsiveness of the bid because,  
4 obviously, the information that's contained in there makes  
5 the determination of responsiveness.

6 The question becomes whether or not the omission  
7 would then create the possibility of a conflict pursuant  
8 to 8252, which I'm reviewing.

9 If any of the other Commission members have any  
10 questions or comments regarding the issue, I'll certainly  
11 entertain them.

12 COMMISSIONER GALAMBOS MALLOY: So, just to clarify  
13 at this point, then noting that there had been an  
14 omission, it's our job to deliberate on whether we feel  
15 that this omission was material or not?

16 CHAIRPERSON FILKINS WEBBER: Well, there is a  
17 motion on the floor, yes. And, obviously, I think this  
18 is -- and Mr. Johnston answered the question -- and  
19 whether or not it may be a determinative factor for your  
20 vote on whether Q2 now will pass.

21 COMMISSIONER GALAMBOS MALLOY: Uh-hum.

22 CHAIRPERSON FILKINS WEBBER: That's why I'm taking  
23 the time at this point to reread 8252 and whether the  
24 omission, that has now been brought to our attention, was  
25 not included in the bid and whether it may impact our

1 determination to vote in favor of this motion.

2 COMMISSIONER GALAMBOS MALLOY: Uh-hum.

3 CHAIRPERSON FILKINS WEBBER: Commissioner  
4 DiGuilio?

5 COMMISSIONER DI GUILIO: So, it's my understanding  
6 that in terms of a process the clarification can't be  
7 considered for the bid so, therefore, it's a deviation.  
8 But we can consider the response in terms of determining  
9 whether or not the bidder is responsive.

10 STAFF COUNSEL JOHNSTON: Correct, because it's a  
11 clarification.

12 COMMISSIONER DI GUILIO: We're allowed to take  
13 that in consideration, okay.

14 STAFF COUNSEL JOHNSTON: You may consider  
15 clarifications, not new material.

16 COMMISSIONER DI GUILIO: So, we either feel that  
17 the response has provided justification for the deviation  
18 or it hasn't, that's what we're doing.

19 STAFF COUNSEL JOHNSTON: Correct.

20 COMMISSIONER DI GUILIO: Okay.

21 VICE-CHAIRPERSON BLANCO: So, going to that  
22 matter, I'm trying to figure out what we're discussing  
23 here. So the -- in the official submission there's an  
24 attachment number four, that has the conflict of interest  
25 responses, conflict and impartiality statement, right.

1 And so in this submission, at the bottom, the final item  
2 listed is the money from the Lawyers Committee of Civil  
3 Rights Under the Law for a racially polarized voting  
4 analysis.

5 And is what we're discussing now that the amount  
6 and the description is the same, but the name of the  
7 organization is different because it was the Lawyers  
8 Committee for Civil Rights of the Bay Area, as opposed to  
9 the Lawyers Committee for Civil Rights Under Law, is that  
10 the discrepancy? And not the dollar amount or the  
11 description?

12 Okay. So, my question is, is that an omission or  
13 is that some other thing? I mean, I'm just trying to  
14 clarify if that's an error or an omission.

15 STAFF COUNSEL JOHNSTON: A deviation.

16 VICE-CHAIRPERSON BLANCO: It's a deviation. Okay,  
17 so that's considered a deviation, but not an omission?

18 STAFF COUNSEL JOHNSTON: I would think so.

19 VICE-CHAIRPERSON BLANCO: Okay, thank you.

20 CHAIRPERSON FILKINS WEBBER: Commissioner  
21 DiGuilio?

22 COMMISSIONER DI GUILIO: So, I think the issue  
23 with this was that -- Mr. Johnson had brought up that --  
24 and I'm forgetting the exact details, but the idea is that  
25 the national level had supported -- was it a -- it was a

1 proposition?

2 STAFF COUNSEL JOHNSTON: No.

3 COMMISSIONER DI GUILIO: Or was it the Bay Area  
4 that had supported?

5 STAFF COUNSEL JOHNSTON: I thought he said the Bay  
6 Area had supported a proposition.

7 COMMISSIONER DI GUILIO: So it was the Bay Area,  
8 not the national.

9 STAFF COUNSEL JOHNSTON: And she didn't identify  
10 the Bay Area, she identified the national, instead.

11 COMMISSIONER DI GUILIO: I just wanted to make  
12 sure who -- which one was providing support. Thank you.

13 STAFF COUNSEL JOHNSTON: Uh-hum.

14 CHAIRPERSON FILKINS WEBBER: Any further  
15 discussion on the motion on the floor?

16 I would ask for a roll call vote then.

17 Oh, I'm sorry? Yes, please.

18 ADMINISTRATIVE ASSISTANT SARGIS: Okay.

19 The motion on the floor is to consider the bid  
20 proposal from Q2 to be responsive to the IFB for  
21 redistricting services.

22 CHAIRPERSON FILKINS WEBBER: Roll call.

23 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner  
24 Aguirre?

25 COMMISSIONER AGUIRRE: Yes.

1 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner  
2 Ancheta?  
3 COMMISSIONER ANCHETA: Yes.  
4 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner  
5 Barabba?  
6 COMMISSIONER BARABBA: Yes.  
7 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner  
8 Blanco?  
9 VICE-CHAIRPERSON BLANCO: Yes.  
10 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner  
11 Dai?  
12 COMMISSIONER DAI: Yes.  
13 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner  
14 DiGuilio?  
15 COMMISSIONER DI GUILIO: Yes.  
16 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner  
17 Filkins Webber?  
18 CHAIRPERSON FILKINS WEBBER: Yes.  
19 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner  
20 Forbes?  
21 COMMISSIONER FORBES: Yes.  
22 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner  
23 Galambos Malloy?  
24 COMMISSIONER GALAMBOS MALLOY: Yes.  
25 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner

1     Ontai?

2             Commissioner Parvenu?

3             COMMISSIONER PARVENU:   Yes.

4             ADMINISTRATIVE ASSISTANT SARGIS:   Commissioner

5     Raya?

6             Commissioner Ward?

7             COMMISSIONER RAYA:   Yes.

8             COMMISSIONER WARD:   Yes.

9             ADMINISTRATIVE ASSISTANT SARGIS:   Raya, yes.

10            ADMINISTRATIVE ASSISTANT SARGIS:   Commissioner

11     Ward?

12            COMMISSIONER WARD:   Yes.

13            ADMINISTRATIVE ASSISTANT SARGIS:   Commissioner

14     Yao?

15            COMMISSIONER YAO:   Yes.

16            ADMINISTRATIVE ASSISTANT SARGIS:   The motion

17     passes.

18            CHAIRPERSON FILKINS WEBBER:   Thank you.

19            At this time, seeing the hour of ten after 12:00

20     on my clock, and for the purposes of the public, we will

21     recess.   And when we return, we will go through this same

22     process with the next bidder at one o'clock.

23            Unless any other Commission member has anything to

24     bring up?

25            Okay.   Staff, anything before we recess?



1 EXECUTIVE DIRECTOR CLAYPOOL: No, thank you.

2 CHAIRPERSON FILKINS WEBBER: Thank you. We'll  
3 return at 1:00. Thank you.

4 (Off the record at 12:13 p.m.)

5 (Back on the record at 1:07 p.m.)

6 CHAIRPERSON FILKINS WEBBER: We are resuming the  
7 Citizens Redistricting Commission meeting this afternoon,  
8 on March 20<sup>th</sup> -- or March 19<sup>th</sup>, 2011, following our lunch  
9 break.

10 Everybody who was here this morning is present, a  
11 quorum's present.

12 I have an announcement and I'll turn it over to  
13 Commissioner Ward.

14 COMMISSIONER WARD: Thank you. Last minute  
15 considerations and happy to announce that we have adopted,  
16 by overwhelming majority, a new tag line. And without a  
17 drum roll it will be "Fair Representation Democracy at  
18 Work."

19 Thank you for getting me your feedback.

20 CHAIRPERSON FILKINS WEBBER: Thank you. I don't  
21 know what happened to the mouse. Thank you very much.

22 Now, continuing on, on our agenda item, the next  
23 bidder for consideration is the Rose Institute.

24 And, Ms. Johnston, would you like to proceed, as  
25 you had done with Q2, in going through the staff's

1 evaluation process.

2 STAFF COUNSEL JOHNSTON: Sure. Okay. And, again,  
3 what we've done is point out anything we noted and it's up  
4 to you to decide its significance.

5 The first one, one problem with their submissions,  
6 which was just a logistical problem, is not all the  
7 original signatures were in the same volume, so we had to  
8 look through different volumes to find them. And we did  
9 not find an original signature for the bidder declaration.

10 (Ms. Johnston was asked to speak a little louder.)

11 STAFF COUNSEL JOHNSTON: So, we did not find a  
12 signature on the bid declaration, which is about ten pages  
13 into their package.

14 Now, Mr. Johnson pointed out that it's ambiguous  
15 whether that requires a signature or not, and he can  
16 certainly explain why he thought it was not required, but  
17 we did note that.

18 The second -- and the importance of that signature  
19 is the document has to do with whether or not you have a  
20 subcontractor included in your bid and we -- from other  
21 information, we suspect there may be a subcontractor.  
22 But, again, that can be clarified by Mr. Johnson.

23 Okay. The second issue, again is -- may be  
24 considered fairly minor, was that it was not done in a  
25 consecutively numbered and tabbed fashion which, again,

1 made it more difficult for us. But if the information was  
2 there, we found it, nonetheless.

3 Yes, yes, yes all down the rest. Except we  
4 haven't looked at the cost worksheet, of course.

5 VICE-CHAIRPERSON BLANCO: We still can't hear you.

6 STAFF COUNSEL JOHNSTON: On page 5 of our  
7 evaluation they're all yeses.

8 The next question, on page 5-C, is the same issue  
9 I mentioned previously, that the bidder declaration form  
10 was not signed and it says there are no subcontractors,  
11 where we felt that Lisa Handley appeared to be a  
12 subcontractor because she's not employed by Rose  
13 Institute, she's employed by another entity, and she was  
14 included in their team.

15 The next one is the conflicts and impartiality  
16 statement. What was provided was a simple statement in  
17 two places, there was no conflicts.

18 Again, we did not look outside the scope of the  
19 material submitted with the bid for that, but we did find  
20 five areas of conflict, some more significant, we think,  
21 than others. But again, that's up to you.

22 The first one is Lisa Handley, who reports on her  
23 resume that she worked for the Ohio State Democratic Party  
24 and the Pennsylvania State Democratic Party.

25 COMMISSIONER DI GUILIO: Could you give us the

1 years with those two, if you recall?

2 STAFF COUNSEL JOHNSTON: She did not give us the  
3 years. Well, it says "clients since 2000." It's under a  
4 section on her resume, page 2 of her resume at the bottom.  
5 The list is of U.S. clients since 2000 and the last two  
6 listed are the Ohio State Democratic Party -- yeah, it's  
7 about halfway through the package of the bid.

8 Has everyone found it?

9 We're actually referring to these pages for the  
10 next few things about conflicts, so is everyone on that  
11 right page? Yes. Okay.

12 The next potential conflict, remember we're  
13 looking for any deviation, Chloe Cotton, who is a student,  
14 reports that she worked as an intern for U.S. Senator in  
15 Alaska, who happens to be a Democrat, we looked him up.  
16 That's outside the scope of the record, but it's public  
17 information so we thought we were entitled to it.

18 VICE-CHAIRPERSON BLANCO: Who is -- I'm having a  
19 hard time hearing you, who was the --

20 STAFF COUNSEL JOHNSTON: If you find the section  
21 where they have all the resumes together, which is about  
22 two-thirds of the way through the --

23 VICE-CHAIRPERSON BLANCO: I've got it. I'm just  
24 having a hard time --

25 CHAIRPERSON FILKINS WEBBER: She's now speaking of

1 Cotton.

2 VICE-CHAIRPERSON BLANCO: Yeah.

3 STAFF COUNSEL JOHNSTON: Chloe Cotton. They're  
4 alphabetical. They're listed, the resumes are included  
5 alphabetically.

6 So, she had a summer intern program with the  
7 Senator from Alaska.

8 The next one, Justin Levett, reports that he  
9 worked for the Assembly Caucus -- the Republican Assembly  
10 Caucus Office of Policy in Sacramento, from 2006 to 2007.

11 Was everyone able to find that page?

12 VICE-CHAIRPERSON BLANCO: I've got it, thank you.

13 STAFF COUNSEL JOHNSTON: I think a few are still  
14 looking for it.

15 The next is Helen Pollock and she reports that  
16 she -- let's see, what was her conflict? She was an  
17 intern for the Assembly -- Republican Assembly Office of  
18 Policy from May 2008 to July 2008, where she provided  
19 analyses of Republican positions on state and assembly  
20 bills for the 32 Republican assemblymen.

21 And the final one we noted was for Samuel Stone,  
22 who is another student, and he served as a Constituent  
23 Services Intern for Senator Boxer in the summer of 2008.

24 So that is why we felt that there was a  
25 discrepancy between reporting no conflicts and what was

1 revealed by the resumes provided.

2 On down our page 7, again, page 5 of the  
3 evaluation, there's no problem, no problem until you get  
4 to the Secretary of State, where we were asked to  
5 determine whether they were in good standing with the  
6 Secretary of State's Office. That's on page 6 of our  
7 analysis.

8 And Rose Institute is not registered, but  
9 Claremont McKenna College is. So, technically the  
10 contract, if you decide to go with Rose, would probably  
11 have to be with Claremont McKenna.

12 Next, as to whether they met the administrative  
13 requirements, we found that again they met the  
14 requirements for the next two pages --

15 COMMISSIONER DI GUILIO: I'm sorry, Mrs. Johnston,  
16 can we just go back just --

17 STAFF COUNSEL JOHNSTON: Sure.

18 COMMISSIONER DI GUILIO: You were mentioning the  
19 Secretary of State, number K.

20 STAFF COUNSEL JOHNSTON: Right.

21 COMMISSIONER DI GUILIO: You're saying since the  
22 Rose Institute is not registered they would have to go  
23 under Claremont McKenna, is that correct?

24 STAFF COUNSEL JOHNSTON: I believe so. It doesn't  
25 appear that Rose Institute is a separate organization,

1 standing alone.

2 COMMISSIONER DI GUILIO: So if we have to -- if  
3 they have to go under Claremont McKenna, do we have to  
4 have information on Claremont McKenna or -- okay, I --

5 STAFF COUNSEL JOHNSTON: I think it's up to you  
6 whether you decide that's a material --

7 COMMISSIONER DI GUILIO: Okay.

8 STAFF COUNSEL JOHNSTON: You do not have  
9 information about it and you have to decide whether that's  
10 a material difference.

11 COMMISSIONER DI GUILIO: Okay, thank you.

12 STAFF COUNSEL JOHNSTON: Page 7 of our checklist  
13 we had no problems.

14 Page 8 of our checklist we said no to C, on page  
15 8, which was the information security. And that was  
16 because in their bid they didn't explain what it was, they  
17 made a statement that they -- do you remember where that  
18 was exactly? Right back here, I think.

19 It's on page 9 of their bid, they checked that  
20 they comply with security measures. But then in their  
21 description -- I apologize, it's just -- it is very hard  
22 to find.

23 COMMISSIONER DAI: It's page 22. Which just  
24 follows 14 and 21.

25 STAFF COUNSEL JOHNSTON: Yes. Thank you. They

1 say they have had extensive experience and they have  
2 maintained the records of active judges without having  
3 that information compromised, or for the Native American  
4 tribes and the casinos.

5 But they did not provide any -- they did not  
6 describe any of the security measures that they take. So,  
7 they've said they provide security measures, but did not  
8 describe what they were.

9 VICE-CHAIRPERSON BLANCO: I'm sorry, can you tell  
10 us what page you're reading from in the bid, and not in  
11 your --

12 STAFF COUNSEL JOHNSTON: Page 22 of the bid.  
13 After -- it's page 14, page 21, and then page 22. About  
14 halfway, about a third of the way through the bid.

15 VICE-CHAIRPERSON BLANCO: Oh, 21?

16 STAFF COUNSEL JOHNSTON: It's 22, section C.

17 VICE-CHAIRPERSON BLANCO: Thanks.

18 BUSINESS MANAGER VILLANEUVA: There are two page  
19 23s.

20 VICE-CHAIRPERSON BLANCO: Oh, okay, I was looking  
21 at the other page 22.

22 (Laughter)

23 VICE-CHAIRPERSON BLANCO: Okay. All right. And  
24 your comment here was?

25 STAFF COUNSEL JOHNSTON: Well, they did not



1 demonstrate that they met business, accepted industry  
2 standards, they just say they have had extensive  
3 experience in keeping sensitive material confidential.

4 BUSINESS MANAGER VILLANEUVA: And basically, the  
5 scope of what we were asking them, in terms of data and IT  
6 security is much larger than keeping records confidential,  
7 and so we felt we should make a note of that.

8 STAFF COUNSEL JOHNSTON: Yes, what it says,  
9 turning back to our analysis on page 8, "must employ  
10 information security systems conversant with industry  
11 standards that will be maintained throughout the course of  
12 the conduct in critical areas such as, but not limited to,  
13 secure data transmission, data monitoring and  
14 verification, data storage and backup, and confidentiality  
15 practices."

16 VICE-CHAIRPERSON BLANCO: Thank you.

17 STAFF COUNSEL JOHNSTON: On page 12 -- you may  
18 want to pull out page 12 because page 12 is sort a summary  
19 of the issues we found with the bid. So, we'll go through  
20 those and I'll refer you back to it as we get further  
21 along in the problems that we had.

22 On the projects that they've provided information  
23 about, they were deficient in some respects because they  
24 did not give a start or end date, so it was impossible to  
25 say that they were within the last 20 years or not.

1           In addition, as to Arizona, it does have a diverse  
2   population, but it's a different diversity than that in  
3   California. And your big requirement said that they had  
4   to be within 15 percent of the diversity in the enumerated  
5   cities, and Arizona did not fall within that for blacks or  
6   Asians. Again, it's up to you to consider the  
7   significance of that.

8           San Diego did quality, obviously.

9           Turning to page 15 of our --

10          VICE-CHAIRPERSON BLANCO: I have a question for  
11   clarification. So, no start -- I'm looking at page 13,  
12   correct?

13          STAFF COUNSEL JOHNSTON: Uh-hum.

14          VICE-CHAIRPERSON BLANCO: So, no start date or end  
15   date, is that for the Arizona --

16          STAFF COUNSEL JOHNSTON: Or for San Diego.

17          VICE-CHAIRPERSON BLANCO: Or for San Diego. And  
18   when it says "projects were completed by a different  
19   entity," what does that mean?

20          STAFF COUNSEL JOHNSTON: Oh, that is -- we'll go  
21   to that later, but I can explain it now. When we talked  
22   to the references, it was pointed out that National  
23   Demographics Corporation, where Mr. Johnson worked, was  
24   the entity that actually contracted with Arizona and with  
25   the San Diego Unified School District.

1           In his document, he said that it's the same team  
2   that will be working on this project, but other than Mr.  
3   Johnson we have no information as to what the carryover  
4   is, so we don't know what -- why they had a different  
5   entity that was doing the projects, the other two  
6   projects.

7           VICE-CHAIRPERSON BLANCO:   So, the Rose Institute  
8   was not the entity doing Arizona?

9           STAFF COUNSEL JOHNSTON:   Correct.   Or the San  
10   Diego School District.

11          VICE-CHAIRPERSON BLANCO:   Oh, okay.

12          STAFF COUNSEL JOHNSTON:   It was the National  
13   Demographics Corporation.

14          VICE-CHAIRPERSON BLANCO:   And is it the same  
15   people that will --

16          STAFF COUNSEL JOHNSTON:   What he says in his  
17   description of them, it was Mr. Johnson and other Rose  
18   Institute team members working as National Demographics  
19   Corporation did this work.

20          VICE-CHAIRPERSON BLANCO:   But we don't know from  
21   the bid whether it's the same people that worked on that,  
22   that will be working --

23          STAFF COUNSEL JOHNSTON:   We know that Mr. Johnson  
24   worked on both.

25          VICE-CHAIRPERSON BLANCO:   Okay.

1           STAFF COUNSEL JOHNSTON: That's the only person  
2 that's identified by name.

3           VICE-CHAIRPERSON BLANCO: Okay.

4           BUSINESS MANAGER VILLANEUVA: And actually, when  
5 we go and have a discussion about our conversation with  
6 the reference, we got a little bit more information.

7           STAFF COUNSEL JOHNSTON: That we'll be getting to.

8           VICE-CHAIRPERSON BLANCO: Okay. All right, if  
9 you're going to get to that I'll just --

10          STAFF COUNSEL JOHNSTON: As to the third project,  
11 Santa Clara Valley Water District, no phone number was  
12 provided. And we talked to General Services what we  
13 should do, since they're required to be available by  
14 telephone within 24 or 48 hours. And I said, well, he's a  
15 city attorney, I can probably look him up on State Bar  
16 website. And she said, no, you're not allowed to do that.  
17 If the information is not provided in the bid, you have to  
18 disqualify them as a reference.

19          BUSINESS MANAGER VILLANEUVA: If I may, though,  
20 the bid asked for two examples.

21          STAFF COUNSEL JOHNSTON: And they gave us three.

22          BUSINESS MANAGER VILLANEUVA: Three were provided.  
23 So, in losing that third one, we still had two to  
24 evaluate.

25          COMMISSIONER GALAMBOS MALLOY: May I ask a

1 clarification, so in neither of these examples of projects  
2 do we actually have a contracted project on behalf of the  
3 Rose Institute or Claremont McKenna College?

4 STAFF COUNSEL JOHNSTON: That is correct.

5 COMMISSIONER GALAMBOS MALLOY: Thank you.

6 STAFF COUNSEL JOHNSTON: Then getting back to the  
7 description of the contractor's role, the role is  
8 described in the bid material, on page 24 and 25 for  
9 Arizona and San Diego.

10 Has everyone found those pages in the bid?

11 Based on the material provided there we could not  
12 determine any of the answers to the questions that are  
13 asked about each of the projects.

14 We did learn, from the reference we called in  
15 Arizona, that the entire State of Arizona is subject to  
16 Section 5. But nothing in the material provided in the  
17 bid proposal identifies consideration of either, either  
18 Section 2 or Section 5.

19 So, then we get to the references. The first one  
20 was the Chair of the Redistricting Commission --

21 CHAIRPERSON FILKINS WEBBER: I'm sorry, I want to  
22 just step back real quick, I had a question.

23 STAFF COUNSEL JOHNSTON: Sure.

24 CHAIRPERSON FILKINS WEBBER: Pursuant to the rules  
25 of the Department of General Services, are you not to --

1 not permitted to have a general understanding that  
2 Arizona, the entire State of Arizona was a Section 5?

3 STAFF COUNSEL JOHNSTON: Yes.

4 CHAIRPERSON FILKINS WEBBER: Are you permitted to  
5 do that?

6 STAFF COUNSEL JOHNSTON: You are permitted to do  
7 that. But the questions asked were of the entity's  
8 involvement in dealing with those issues and there was  
9 nothing in the description provided by the contractor as  
10 to any consideration of those issues.

11 CHAIRPERSON FILKINS WEBBER: And that's because  
12 there's a difference between the submission under the Rose  
13 Institute versus National Demographics?

14 STAFF COUNSEL JOHNSTON: No, there simply is  
15 nothing provided, if you look at page 24 and page 25.

16 CHAIRPERSON FILKINS WEBBER: Okay. Continue on,  
17 we'll take this up when we determine whether this is a  
18 deviation.

19 STAFF COUNSEL JOHNSTON: Okay.

20 CHAIRPERSON FILKINS WEBBER: Thank you.

21 STAFF COUNSEL JOHNSTON: So then we started  
22 talking with the references and Mr. Lynn was very  
23 cooperative. He was off on a corporate retreat, but he  
24 managed to get back to us nonetheless.

25 That was where we first -- it had been mentioned

1 in his description here that it was working as National  
2 Demographics, but when we talked to Mr. Lynn, he actually  
3 said, no, it wasn't Rose Institute, it was National  
4 Demographics, which was the first time we understood that  
5 there was an issue there.

6           They did mention that Mr. Johnson was there.  
7 Adams, according to, as we understood the submission, was  
8 retired now.

9           Leoni, which we don't know if that's the same as  
10 Leoni. I think from the testimony we heard from her  
11 yesterday, you can assume that it was the same Mrs. Leoni.  
12 And McDonald.

13           Lisa Handley was listed on the project as a  
14 separate contractor, according to Mr. Lynn. She's a --

15           COMMISSIONER GALAMBOS MALLOY: Can you clarify who  
16 McDonald is in this circumstance?

17           STAFF COUNSEL JOHNSTON: No, it was names he  
18 mentioned.

19           COMMISSIONER GALAMBOS MALLOY: Okay.

20           STAFF COUNSEL JOHNSTON: They are not -- he was  
21 not listed in a person in the Rose staff that were going  
22 to be included, he or she.

23           COMMISSIONER BARABBA: Now, did he not mention Dr.  
24 Alan Heslop?

25           STAFF COUNSEL JOHNSTON: No, that was not a name

1 we were given.

2 COMMISSIONER BARABBA: Okay, thank you.

3 STAFF COUNSEL JOHNSTON: As to their -- the  
4 bidder's contribution to resolving issues, Mr. Lynn said  
5 that NDC was able to produce the maps that they were  
6 directed to and that the commission gave them the criteria  
7 that they wanted NDC to follow, and NDC was able to do  
8 that.

9 As I mentioned, the bid did not talk about Section  
10 2. But Mr. Lynn said that because of their concerns, Lisa  
11 Handley did conduct several analyses of voting and  
12 potential voting dilution that were issues considered by  
13 the commission.

14 So, that's actually the next two questions that  
15 they -- although the bid didn't mention it, we do  
16 understand that Ms. Handley conducted that research.

17 CHAIRPERSON FILKINS WEBBER: So then why does it  
18 say no on the top of page 17?

19 STAFF COUNSEL JOHNSTON: Because the bid did not  
20 describe it.

21 CHAIRPERSON FILKINS WEBBER: Okay. I thought --

22 STAFF COUNSEL JOHNSTON: So the contact didn't  
23 verify the bidder's description, the contact gave us  
24 additional information.

25 CHAIRPERSON FILKINS WEBBER: Okay, thank you.



1 STAFF COUNSEL JOHNSTON: Does that make sense?

2 CHAIRPERSON FILKINS WEBBER: Yes, it does.

3 STAFF COUNSEL JOHNSTON: Okay.

4 COMMISSIONER DI GUILIO: And just to clarify, Ms.

5 Handley was a separate contract, was not employed by --

6 STAFF COUNSEL JOHNSTON: That was according to

7 what Mr. Lynn told us.

8 COMMISSIONER DI GUILIO: Okay. So, not as a staff

9 member of NDC.

10 STAFF COUNSEL JOHNSTON: Mr. Lynn confirmed that

11 the entire State of Arizona is under Section 5 pre-

12 clearance requirements and the commission considered this

13 a major factor.

14 VICE-CHAIRPERSON BLANCO: But I think the question

15 that Michelle's asking, that I have as well, is did the

16 commission have a separate contract with Lisa Handley or

17 did NDC have a contract with Lisa Handley?

18 STAFF COUNSEL JOHNSTON: Again, we're restricted

19 by what's either in the resume or what we were told --

20 what's in the bid submission and what we were told by the

21 references. According to the references, it was a

22 separate contract.

23 That might be something you could ask Mr. Johnson

24 to clarify.

25 VICE-CHAIRPERSON BLANCO: Okay, thank you.

1           CHAIRPERSON FILKINS WEBBER: Commissioner Yao?

2           COMMISSIONER YAO: The name, Lisa Handley, also  
3 appear on page 5 of the review.

4           STAFF COUNSEL JOHNSTON: Yes.

5           COMMISSIONER YAO: The statement reads, "Lisa  
6 Handley appears to be a subcontractor." How do you reach  
7 that conclusion?

8           STAFF COUNSEL JOHNSTON: Because in her resume she  
9 is listed as an employee of -- not of Rose Institute, but  
10 of Frontier International Electoral Consulting, and she's  
11 not listed as an employee of Rose Institute, as the other  
12 members of the team are.

13           So, since she's not -- if she's not an employee,  
14 then the only way she could be working with them would be  
15 as a subcontractor.

16           BUSINESS MANAGER VILLANEUVA: If I may, we pose  
17 that as a question, not as a determination, just based on  
18 what we're seeing.

19           STAFF COUNSEL JOHNSTON: Right.

20           COMMISSIONER YAO: Thank you.

21           STAFF COUNSEL JOHNSTON: And then on the  
22 litigation issue, I think this was a question you asked  
23 before, we got more information from Mr. Lynn about the  
24 problems that Arizona faced. First, they had the initial  
25 plans that they submitted, again, this is according to Mr.

1 Lynn, the initial plans they submitted to Justice were  
2 rejected and they had to be redrawn in order to get  
3 Justice's approval, pre-clearance approval.

4 And then even after that there was ongoing  
5 litigation, two separate lawsuits, as he recalled, two  
6 trials that lasted about five years before the issues were  
7 finally resolved.

8 And finally, there's a three-judge panel who  
9 appointed a special master, who made the final decisions  
10 as to the map.

11 As to his description of the bidder's comportment  
12 in dealing with the public and the commission, again, he  
13 said it was always NDC, but he was very complementary  
14 about how they produced their work. They were very  
15 professional, did whatever the commission required, never  
16 interjected their own personal views, and they were very  
17 professional in their interactions with the public.

18 And he did mention that they did a public  
19 participation kit as well. I don't think we put that  
20 down.

21 BUSINESS MANAGER VILLANEUVA: It's in the first  
22 response.

23 STAFF COUNSEL JOHNSTON: The first response, okay.

24 So, as far as the working relationships with the  
25 commission, the commission staff and the public, there was

1     only praise for National Demographics.

2             Then we spoke with Ricardo Soto, who was in-house  
3     counsel. He's now back, working with the Department of  
4     Justice in the EEO -- in the education, wasn't it?

5             BUSINESS MANAGER VILLANEUVA: That's it,  
6     Department of Ed.

7             STAFF COUNSEL JOHNSTON: Department of Ed. He  
8     confirmed that it was an NDC contract. He said the  
9     principles were Mr. Douglas and Dr. Adams.

10            Yeah, this is when they talked about the public  
11     materials, educational materials, presentations to the  
12     public, and said that NDC was very good at identifying  
13     population groups of interest, and facilitated the public  
14     input meetings.

15            When we asked about the bidder's contributions to  
16     resolving the issues resulting from prospective lines, he  
17     said that they performed an analysis of the potential  
18     exposure under the new California Voting Rights Act so --  
19     and he also recalled a voter -- vote dilution analysis.

20            But when -- the next question asked whether the  
21     contract verified whether VRA analysis was done, we did  
22     not get that from the contract -- from the bid, we got it  
23     from the reference.

24            Always professional, always helpful, no complaints  
25     at all about the staff.

1           So, finally, as to the people that were proposed  
2   to be used for the project, the people and the  
3   descriptions given of their experience did satisfy all the  
4   requirements for knowledge and expertise in the stated  
5   areas.

6           COMMISSIONER GALAMBOS MALLOY: One clarification,  
7   under the geography of California, as related to  
8   redistricting, it does say no. Could you explain more?

9           STAFF COUNSEL JOHNSTON: I'm sorry, what page is  
10   that?

11          COMMISSIONER GALAMBOS MALLOY: We're on page 22,  
12   under the knowledge and experience area.

13          STAFF COUNSEL JOHNSTON: Oh. Only because there  
14   was nothing as to California as a whole.

15          COMMISSIONER GALAMBOS MALLOY: Okay. Thank you.

16          STAFF COUNSEL JOHNSTON: And I don't know whether  
17   that is significant. They certainly had throughout, in  
18   different parts of California, but nothing as to the whole  
19   State.

20          BUSINESS MANAGER VILLANEUVA: In other words,  
21   nothing in the narratives or in the resumes that clearly  
22   stated that that was an area of expertise.

23          COMMISSIONER GALAMBOS MALLOY: Thank you.

24          BUSINESS MANAGER VILLANEUVA: Which would be the  
25   two places where we looked for in both bids for that.

1           STAFF COUNSEL JOHNSTON: As to the projects,  
2 they're proposal for how they would staff your project,  
3 Mr. Johnson would be the project leader, and explained  
4 that he had been chief technical consultant to the Arizona  
5 Commission and assisted in redistricting in a number of  
6 other public entities, a number of which were within  
7 California.

8           Did not provide any information about litigation.

9           Dr. Andrew Busch, the Rose Institute Director, and  
10 the only description provided was management and strategic  
11 project, which we didn't know what that meant, but we put  
12 it down.

13           Kenneth Miller is the assistant -- associate  
14 director of Rose Institute and was, again, had the same  
15 responsibility.

16           Dr. Florence Adams is listed as retired and not --  
17 no description was given of what role she would play in  
18 the California plan. She did have extensive experience in  
19 redistricting throughout California, different public  
20 entities.

21           Bipasa Nadon was the assistant to the director, it  
22 was not clear that she had any experience in that area.

23           Dr. Lisa Handley, she is the one who has  
24 experience as a VRA expert and in line drawing, but this  
25 is where we were not clear if she was being brought in as

1 a contractor or as a staff person because she's not listed  
2 as an employee of Rose Institute, and her role was not  
3 defined in the proposal. And we noted the potential  
4 conflict that she had from her prior work.

5 Justin Levett, as we mentioned previously, also,  
6 he was a Fellow. The role that a Fellow provides was not  
7 identified. And he did work for the Assembly Republican  
8 Caucus. And part of his job with the Assembly Republican  
9 Caucus was in analyzing bills and supporting the floor  
10 team.

11 Then there -- Jacinth Sohi was identified only as  
12 a manager, no other description.

13 David Meyer, again he said he had mapping  
14 experience and his title would be GIS director.

15 Ryan Boone, an associate, did not have a  
16 description of what role he would play.

17 Chloe Cotton, an associate, and was -- again, the  
18 role was not delineated and she was one of the people we  
19 note had worked for a Democratic Senator.

20 Nathan Folk is an associate.

21 By the way, if you look at the resumes of these  
22 people, they're students, not surprisingly.

23 Emily McNab, again an association, no experience,  
24 no explanation of responsibilities.

25 Aditya Pai, the same.

1           Helen Pollock the same.

2           Samuel Stone the same and he was -- had an intern  
3 with -- oh, I'm sorry, Helen Pollock also was an intern  
4 for the Republican Assembly Office of Policy.

5           Samuel Stone had previously been an intern with  
6 Senator Boxer.

7           And Kathryn Yao had no indication of her position  
8 beyond associate and no indication of her prior  
9 experience.

10           CHAIRPERSON FILKINS WEBBER: Thank you.

11           At this time it's my understanding that in order  
12 to determine whether or not this bid is responsive, at  
13 this point there are areas that have been identified by  
14 staff and the question now becomes for the full Commission  
15 whether or not there has been a material deviation such  
16 that this bid would not be deemed responsive.

17           And, Counsel, correct me if I'm wrong, but your  
18 recommendation was that we would take each of the noted  
19 indications from staff of whether or not -- where there  
20 does not appear to be responsive, and we may make inquiry  
21 of the bidder to the extent we have further clarification  
22 that we may seek, if there are circumstances of where we  
23 deem it to be a material deviation.

24           STAFF COUNSEL JOHNSTON: I think that's  
25 substantially correct. You can ask for clarification, but



1 not for additional information from the bidder.

2 CHAIRPERSON FILKINS WEBBER: Okay. So, the  
3 process and the procedure for this Commission, just for  
4 clarification and for members of the public, we will take  
5 each of the items that the Ms. Johnston has highlighted,  
6 where there may not have appeared to be responsiveness.

7 To the extent in which this Commission determines  
8 there to be -- that such is a material deviation, we can  
9 seek further clarification.

10 But there will need to be, as I understand it, a  
11 vote for each of these.

12 But if we can concur that something that was  
13 identified by staff as not really a material deviation we  
14 can just move forward without a necessary vote.

15 So, for instance, let's begin with item number one  
16 regarding the original signatures. Again, we're on page 3  
17 of attachment B, of the evaluation.

18 COMMISSIONER DI GUILIO: I'm sorry, Madam Chair,  
19 can I just ask for clarification?

20 CHAIRPERSON FILKINS WEBBER: Sure.

21 COMMISSIONER DI GUILIO: So we would be voting on  
22 whether we believe it's a deviation or whether we believe  
23 it's a deviation that makes them nonresponsive for the  
24 whole bid?

25 CHAIRPERSON FILKINS WEBBER: Correct. This first

1 one is a good example. Does the Commission as a whole  
2 believe that the description of whether or not there was  
3 no original signature, no signature on the bidder  
4 declaration form constitutes a material deviation or would  
5 we all agree that it could pass through without it being  
6 identified as a material deviation?

7 In other words, if we're in agreement that an  
8 original signature is not that big of a deal then we can  
9 move forward and we don't need to vote on it.

10 But if somebody -- if any Commission members feels  
11 that additional discussion is necessary because something  
12 identified by staff would, in their opinion, constitute a  
13 material deviation, then we need to discuss it as a full  
14 Commission and likely consider a vote as to whether or not  
15 the full Commission deems it a material deviation.

16 And that would not require a super majority.

17 STAFF COUNSEL JOHNSTON: Correct.

18 CHAIRPERSON FILKINS WEBBER: So, does everyone  
19 understand? Okay.

20 Any further questions of staff?

21 Commissioner Yao.

22 COMMISSIONER YAO: Just a point of clarification.

23 So, if we do find a -- let's use it as an example, one  
24 item that we determine to be inadequate and that would be  
25 a -- that would be sufficient to declare the whole

1 proposal be nonresponsive?

2 CHAIRPERSON FILKINS WEBBER: To the extent that  
3 there is any vote from this full Commission by, I assume a  
4 majority, not a super majority, but a majority that would  
5 constitute a material deviation, once there's a finding  
6 then it's deemed that they were not a responsive bidder  
7 and they would then fail.

8 STAFF COUNSEL JOHNSTON: And, Madam Chair, the  
9 other issue with the bidder declaration, that's the one  
10 where if there is a subcontractor, the information is to  
11 be provided there. So, you might want to seek  
12 clarification from Mr. Johnson on that issue.

13 CHAIRPERSON FILKINS WEBBER: Okay. Before we get  
14 to number one, I guess we're still really --

15 STAFF COUNSEL JOHNSTON: That is number one.

16 CHAIRPERSON FILKINS WEBBER: It is. It is. I  
17 guess, before we got there, I just wanted to see if there  
18 were any other preliminary questions regarding the process  
19 as we go through each of the items that were identified by  
20 staff.

21 COMMISSIONER YAO: So, again, the clarification is  
22 if we do find a single item, then that's sufficient to  
23 declare the whole -- the entire proposal to be -- to be  
24 nonresponsive?

25 CHAIRPERSON FILKINS WEBBER: Any issue in which

1     there is a determination by this Commission --

2                 COMMISSIONER YAO:   Right.

3                 CHAIRPERSON FILKINS WEBBER:  -- as a material  
4     deviation, and even if that's one, then that's true.  It's  
5     my understanding that then the entire bid fails as  
6     nonresponsive.

7                 STAFF COUNSEL JOHNSTON:  And if you think that  
8     it's not sufficient grounds to deny the contract, then you  
9     should vote that it's not material.

10                COMMISSIONER YAO:  Understand.  I understand that  
11    particular point.  But one is a sufficient number to  
12    disqualify the entire proposal?

13                STAFF COUNSEL JOHNSTON:  Correct.

14                COMMISSIONER YAO:  Okay.

15                CHAIRPERSON FILKINS WEBBER:  Okay.  Any other  
16    questions or clarification regarding the process.

17                Okay, let's move forward with number one, the  
18    original signatures.

19                Commissioner Raya?

20                COMMISSIONER RAYA:  I have a question with respect  
21    to that.  I'm sorry, I was going to start reading from the  
22    beginning of this.

23                "It requires that it bears the original signature  
24    of a person authorized to bind the firm."

25                And in my mind, there seems to be a question as to

1 with whom we would be entering into a contract.

2 So, I guess if they're -- I don't know if this  
3 would be an opportunity for clarification, but is Mr.  
4 Johnson authorized to bind on behalf of Claremont McKenna  
5 College?

6 CHAIRPERSON FILKINS WEBBER: If you're seeking  
7 clarification, the bidder is here and we can invite him  
8 forward, which we might as well do. So, Mr. Johnson?

9 MR. JOHNSON: Yes.

10 CHAIRPERSON FILKINS WEBBER: You can address the  
11 Commission on this issue, thank you.

12 MR. JOHNSON: Good afternoon. The Rose Institute  
13 is not a stand-alone entity and that is why the bid is  
14 written as the Rose Institute at Claremont McKenna  
15 College. That is the entity name that the college lawyers  
16 gave us to use as the bidding entity.

17 And the signatures are by people authorized to  
18 bind the college. And so it is the Rose Institute at  
19 Claremont McKenna College. But there is no Rose Institute  
20 bank account anywhere, it's a Claremont McKenna bank  
21 account. All of the registrations are Claremont McKenna,  
22 but this is how the college has us describe ourselves.

23 COMMISSIONER GALAMBOS MALLOY: May I ask a follow-  
24 up clarification? If you could explain to us, then, my  
25 understanding would be that this document should be signed

1 by someone from Claremont McKenna College or the Rose  
2 Institute. So, if you could just talk about the lack of a  
3 signature on this page?

4 MR. JOHNSON: Oh, yes, of course. The page does  
5 not ask for a signature, first of all. At the bottom it  
6 says "by signing the bid response" and this page is called  
7 the bidder declaration.

8 The entirety, as we read it, is the bid response  
9 and so we signed the bid response.

10 COMMISSIONER GALAMBOS MALLOY: Thank you.

11 MR. JOHNSON: And there's no line for a signature  
12 on the page, either.

13 CHAIRPERSON FILKINS WEBBER: Thank you. Any other  
14 questions on this item number one?

15 COMMISSIONER DI GUILIO: I would just comment that  
16 I think that's sufficiently ambiguous that I don't  
17 consider that to be material.

18 CHAIRPERSON FILKINS WEBBER: Okay. Does anyone  
19 else believe that this is a material deviation that would  
20 necessitate a motion in that regard or may we just  
21 dispense with that and consider it responsive?

22 COMMISSIONER ANCHETA: I'm not sure if this is  
23 number one or number two, are we -- I'm assuming we're on  
24 page 12, right?

25 CHAIRPERSON FILKINS WEBBER: We're on page --

1           COMMISSIONER ANCHETA: Well, 12 of the -- I'm  
2 looking at the deviation worksheet in terms of how we're  
3 going through each.

4           STAFF COUNSEL JOHNSTON: I think she's going --  
5 she's looking at number one, on page 3 of our evaluation.

6           CHAIRPERSON FILKINS WEBBER: So, it's the same,  
7 it's just it's summarized on page 12. I'm looking at it  
8 as Chair, so I could have more detailed information to  
9 direct the Commission.

10           They're all listed in one box on page 12 for all  
11 of them together, but we're taking the same ones, one by  
12 one.

13           COMMISSIONER ANCHETA: Okay. So, and I apologize,  
14 and it's only going to the signature, but I guess it goes  
15 to the underlying nature of the signature, which is the  
16 question of the subcontracts.

17           And if that's included, I would like clarification  
18 regarding that. If that's different, then we can wait  
19 until that comes up. But the question remains, but if  
20 it's out of order then I'll withdraw my query.

21           VICE-CHAIRPERSON BLANCO: I have the same  
22 question, so I will -- I'm willing to wait, but I do want  
23 to know, when we go back, if there is a subcontractor  
24 where that person's signature is reflected.

25           COMMISSIONER ANCHETA: Right.

1           STAFF COUNSEL JOHNSTON: Well, it's not that that  
2 person's signature is required, it's that the bid --  
3 bidder declaration state that there is going to be a  
4 subcontractor.

5           And on the bid declaration, which is not signed  
6 for perhaps a good reason, there is an indication there is  
7 no subcontractor.

8           VICE-CHAIRPERSON BLANCO: Thank you.

9           COMMISSIONER DI GUILIO: Could I suggest that  
10 under -- on page 5, or 5C, the bidder declaration form, it  
11 goes into more detail, maybe, about the subcontractor.  
12 Would it be acceptable to discuss the subcontractor there  
13 and just keep number one as simply the signature?

14          CHAIRPERSON FILKINS WEBBER: Commission agree?  
15 Commissioner Ward?

16          COMMISSIONER WARD: Yeah, I'm just wondering, in  
17 looking at this criteria and it says no, and listening to  
18 the explanation, how did staff interpret that differently?  
19 I was concerned about that, too, given the  
20 understanding -- of what the understanding presented was  
21 of signing this paper was significant to me and a no  
22 response was significant.

23          But after hearing that explanation, I'm wondering  
24 where staff interpreted that that did need to be signed?

25          STAFF COUNSEL JOHNSTON: At the bottom of the page



1 it says, "By signing the bid request I certify, under  
2 penalty of perjury, that the information provided is true  
3 and correct."

4 We had expected to find a signature there, but I  
5 cannot say that his explanation is not reasonable.

6 CHAIRPERSON FILKINS WEBBER: And clarification, it  
7 says "bid response" it doesn't say bid request.

8 STAFF COUNSEL JOHNSTON: But it says  
9 "certification" which normally requires a signature. But  
10 it's no big deal.

11 BUSINESS MANAGER VILLANEUVA: Also, if I might  
12 note, in addition to, if there is a subcontractor, it does  
13 need to be signed. If there isn't a subcontractor there's  
14 no need to -- there's no immediate need to sign it at that  
15 point. In other words, not having it signed is not the  
16 issue.

17 The issue was not being able to tell whether Ms.  
18 Handley was a subcontractor or not. If she was a  
19 subcontractor, that would trigger the signing of that form  
20 and declaring that that person was a subcontractor.

21 Because we couldn't resolve that issue on our own,  
22 we had to bring it to your attention.

23 COMMISSIONER GALAMBOS MALLOY: So, based on this,  
24 I would feel like it would be important at this moment to  
25 ask for clarification regarding whether there were any

1 subcontractors anticipated on this project.

2 MR. JOHNSON: Sure. And there's a lot of  
3 information in here, so no surprise that there are things  
4 that need clarification.

5 If you look at page 7 of our proposal, and it's  
6 actually the beginning, so it's before the numbers get  
7 haywire. Let me see, one, two, third paragraph it talks  
8 about Dr. Handley, starting at the end of the fourth line.

9 It says, "She provides guidance and strategic  
10 advice to the Rose Institute team." She and I are  
11 friends, we've worked on tons of projects together. Well,  
12 not tons. We've worked on a number of projects together,  
13 we're bidding on more now. But she's not a paid advisor.

14 The next line is, "Should the Commission be so  
15 inclined, the Rose Institute highly recommends her as a  
16 separate consultant to the Commission, providing racially  
17 polarized voting analysis."

18 And we go on to talk about "we feel this analysis  
19 is important to the Commission's work." Which is why we  
20 talked to her and got a proposal to kind of jump start  
21 this ahead.

22 STAFF COUNSEL JOHNSTON: If I could explain, our  
23 confusion on that is she's -- her resume is included under  
24 the staff section of the Rose Institute.

25 COMMISSIONER DI GUILIO: So based on your

1 clarification, you're recommending that she could be hired  
2 by the Commission as a separate consultant. But if that's  
3 the case, if she's not a part of the staff and this bid,  
4 therefore, her experience couldn't be considered as  
5 meeting some of the requirements of staff.

6 MR. JOHNSON: Right. I wouldn't expect you to  
7 give us credit for her being a formal part of the team.  
8 She's essentially an informal adviser to us. I mean,  
9 she's involved and we talk a lot but, no, she's not a paid  
10 member of the team.

11 CHAIRPERSON FILKINS WEBBER: And so no  
12 compensation would be paid from the Rose Institute to Ms.  
13 Handley as part of this bid.

14 MR. JOHNSON: Right.

15 CHAIRPERSON FILKINS WEBBER: Thank you.

16 MR. JOHNSON: Which to clarify the other question  
17 is also how it worked in Arizona. I think she was -- she  
18 was hired either by the commission directly or by one of  
19 the lawyers.

20 CHAIRPERSON FILKINS WEBBER: So as such then you  
21 are certified the basis for the lack of signature is that  
22 there are no subcontractors as the bid declaration page  
23 requires?

24 MR. JOHNSON: Right.

25 CHAIRPERSON FILKINS WEBBER: So as such, you're

1     contending you have adequately responded to this portion  
2     regarding signatures on the bid declaration?

3             MR. JOHNSON:    Yes.

4             CHAIRPERSON FILKINS WEBBER:   Thank you.

5             VICE-CHAIRPERSON BLANCO:    Can I ask  
6     Ms. Johnston -- I'm sorry.

7             CHAIRPERSON FILKINS WEBBER:   I'm lining everybody  
8     up.   Certainly, Commissioner DiGuilio, then Commissioner  
9     Galambos Malloy and then Blanco.

10            COMMISSIONER DI GUILIO:   Then if she's not to be  
11    considered in terms of meeting the qualifications of the  
12    bid, for staff, on page 22, where it asks for the  
13    knowledge and experience area, was any of her material  
14    used to provide a yes for knowledge and/or experience?

15            STAFF COUNSEL JOHNSTON:   I believe so, yes.

16            COMMISSIONER DI GUILIO:   So is there any area here  
17    that would go from a yes to a no, if you took out Ms.  
18    Handley?

19            STAFF COUNSEL JOHNSTON:   We'll have to go back and  
20    take another look at that.

21            COMMISSIONER DI GUILIO:   Okay.

22            STAFF COUNSEL JOHNSTON:   We were assuming that she  
23    would be included.

24            COMMISSIONER DI GUILIO:   Okay, thank you.

25            CHAIRPERSON FILKINS WEBBER:   How much time would

1     that take, can you do that --

2                 STAFF COUNSEL JOHNSTON:   We can do it during the  
3     break, during the next break.

4                 CHAIRPERSON FILKINS WEBBER:   Or --

5                 STAFF COUNSEL JOHNSTON:   Do you want to do it now?

6                 CHAIRPERSON FILKINS WEBBER:   No, no, no, because  
7     we're not at that section yet.   I'd like to just -- we are  
8     jumping around a little bit in this, and there's a little  
9     overlap here.   I suspect as we go along through the other  
10    items highlighted that there may not be so much overlap.  
11    But we can probably do it at a break before we get to that  
12    section.

13                STAFF COUNSEL JOHNSTON:   Good.

14                CHAIRPERSON FILKINS WEBBER:   Thank you.

15                Commissioner Galambos Malloy.

16                COMMISSIONER GALAMBOS MALLOY:   My question was  
17    whether there were any other staff involved in this  
18    project who brought VRA experience, or if we took out Ms.  
19    Handley if we were absent the VRA experience.

20                CHAIRPERSON FILKINS WEBBER:   The same question  
21    that staff needs to address.   Thank you.

22                Commissioner Blanco?

23                VICE-CHAIRPERSON BLANCO:   Similar, but precisely  
24    on -- she's described as what she would provide to the  
25    team would be the racially polarized voting analysis which

1 is -- which is time consuming and that we recommend we  
2 hire her.

3 My question to Mr. Johnson is who -- if we were  
4 not inclined to hire Ms. Handley, who would hire -- who,  
5 at the Rose Institute team, that's in the bid, would do  
6 the racially polarized voting analysis?

7 MR. JOHNSON: Well, first of all, racially  
8 polarized voting analysis is outside the scope of this  
9 bid, which is why we didn't put her on our team.

10 CHAIRPERSON FILKINS WEBBER: Correct. That's  
11 right.

12 MR. JOHNSON: But, certainly, we would work with  
13 whoever you wanted to. I, personally, have done quite a  
14 bit of racially polarized voting analysis as well. I do  
15 it for clients, she does it as a testifying expert and  
16 there's a definite difference there.

17 But that's the main reason.

18 VICE-CHAIRPERSON BLANCO: Thank you.

19 CHAIRPERSON FILKINS WEBBER: Okay. Any other  
20 questions on item one, on the original signatures?

21 Seeing none, is there any Commission member that  
22 feels this is a material deviation for which they would  
23 like to recommend a motion in that regard?

24 If not, then we'll move on. Thank you.

25 The next item, page 3, the binder format, is there

1 any Commission member that feels that what is documented  
2 by staff would constitute a material deviation for which  
3 they would like to make a motion?

4 I wouldn't think so, thank you.

5 Page 5, subsection C, the bidder declaration form.  
6 Again, we had clarification on that. Does any Commission  
7 member feel that they need to move forward with a motion  
8 that such constitutes a material deviation?

9 Seeing none, we will consider that satisfied.

10 COMMISSIONER DI GUILIO: I'm sorry, could you  
11 clarify which one you're talking about?

12 CHAIRPERSON FILKINS WEBBER: C, the bidder  
13 declaration form. We overlapped a little bit with the  
14 last.

15 COMMISSIONER DI GUILIO: Okay, sorry.

16 CHAIRPERSON FILKINS WEBBER: Does there need to be  
17 a further clarification Commissioner Ancheta? Okay.

18 I understood that we'd already clarified that.

19 So, we're moving on to D, on page 5 of the staff  
20 evaluation, regarding conflict and impartiality statement.

21 As indicated by staff and for clarification of the  
22 public following along, the staff has identified the fact  
23 that the statement, itself, in the bid identifies the fact  
24 that there are no conflicts but, yet, staff has identified  
25 some questions regarding the resumes that were attached,

1 and Ms. Johnston went through those with the resume.

2 Commissioner Ancheta?

3 COMMISSIONER ANCHETA: Well, I believe also in the  
4 evaluation it says there are -- no conflicts are  
5 identified. And I'd refer to the bidder's -- at least  
6 what I have as page 31 of the bid -- I'll wait until you  
7 get to that, first, so page 31.

8 Okay. Okay. So, the second to the last  
9 paragraph, donations or funding. Well, a number of  
10 paragraphs here indicate that the Institute or the bidder  
11 asserts that there are no conflicts.

12 I find somewhat problematic the failure to list,  
13 although someone who works at a university, I understand  
14 the burdens involved. But there is no listing or even a  
15 partial listing of donors, so at least a conflict of  
16 interest check could be done.

17 Again, I understand this is a bid college, which  
18 produces a lot of money, a lot of donations. I would  
19 think that they're certainly tracking all of those  
20 donations. There may be some difficulty separating out  
21 designated donations or funding that goes from the  
22 college's -- whatever general fund is used and how it's --  
23 I don't know the allocation, but to the extent that  
24 there's money going to the Institute, itself.

25 And there's some indication that you have some



1 other donors, but we don't have dollar figures. And I  
2 find this lack of information troubling.

3 CHAIRPERSON FILKINS WEBBER: Commissioner  
4 DiGuilio?

5 COMMISSIONER DI GUILIO: This one it's -- I'm  
6 curious to hear the other Commissioner's thoughts. But  
7 part of this is the conflicts that the staff had gone  
8 through with us, with each individual person, I find it  
9 hard to determine the level of conflict with regard to the  
10 roles in this project.

11 So, in the absence of knowing what these  
12 individual staff members will be doing and their level of  
13 involvement, it's hard to go to the next step, then, and  
14 look at the conflicts in a critical light.

15 So, I'm really frustrating with not being able to  
16 put those two things together to review this a little bit  
17 further.

18 CHAIRPERSON FILKINS WEBBER: Commissioner Ward,  
19 then Commissioner Forbes.

20 COMMISSIONER WARD: I was just going to see if we  
21 could ask Mr. Johnson for clarification on this matter or  
22 on this issue?

23 CHAIRPERSON FILKINS WEBBER: Commissioner Blanco,  
24 did --

25 VICE-CHAIRPERSON BLANCO: I would object to that.

1 I really think that we should look at what the bid is in  
2 front of us. We did not -- you know, and not be asking  
3 for explanations at this point. I want to consider what  
4 we have in front of us, what our staff is walking us  
5 through and then we can compile a list, I think, at the  
6 end of questions. But I really don't think -- I think if  
7 we handle this like that, then we might as well not have  
8 this process, if we're supplementing the information with  
9 questions.

10 I mean, that's just my own view, that I would  
11 rather have us walk through the actual, official State  
12 process for looking at this and then we can, you know,  
13 bank our questions.

14 But I don't want to be assuming what's in the  
15 application because of supplementation.

16 CHAIRPERSON FILKINS WEBBER: There isn't any  
17 request for supplementation, as far as I know, and that  
18 would be impermissible at this point in time.

19 So, the issue comes up regarding whether there  
20 would be a clarification necessary based on the  
21 information submitted.

22 So, if any Commission member has a particular  
23 question of the bidder, Mr. Johnson, who's available --  
24 for instance you brought that up. If you think it's a  
25 problem that cannot be otherwise substantiated based on

1 that, that's one thing.

2 But the -- if you have particular clarification, I  
3 would, as Chair, recommend that we do do it per item of  
4 potential deviation so that we can make a determination of  
5 whether such constitutes a material deviation for a  
6 necessity of a vote, and not wait until the end.

7 So, if any Commission member has a necessity for  
8 clarification, and Mr. Johnson's been through this process  
9 before, I suspect, that he understands he would not be  
10 supplementing anything, so it's a question of  
11 clarification.

12 So, I will go back and offer the floor back to  
13 Commissioner DiGuilio, to the extent in which you want to  
14 clarify.

15 The individuals are identified in the bid on page  
16 7 and 8.

17 COMMISSIONER DI GUILIO: It's -- and this is  
18 the -- this is a little bit of the issue of clarification  
19 versus supplementation, because if -- if it's not offered  
20 in here, I don't know -- it's not something I can clarify  
21 their role, because their role hasn't been defined. So,  
22 I'm --

23 CHAIRPERSON FILKINS WEBBER: I'm sorry, I read it  
24 differently. I see the roles identified on page 7 and 8  
25 so --

1           COMMISSIONER DI GUILIO: They're specific -- I  
2 should say, I'm sorry, their specific job functions within  
3 this project.

4           CHAIRPERSON FILKINS WEBBER: Again, this is the  
5 difficulty. I understood Ms. Handley's -- again, what I'm  
6 looking at particularly on the bid, page 7 and page 8, and  
7 for instance David Meyer. He wasn't identified, I don't  
8 think, in this particular conflict or impartiality  
9 statement, but "He will lead the Institute's proposed work  
10 to post online live interactive versions of all plans  
11 presented."

12           So, I mean, I see it as these individuals and  
13 their involvement in the scope of work is contained on  
14 these pages. So, I don't know what's missing.

15           COMMISSIONER DI GUILIO: Well, I guess it was the  
16 individuals that were identified as those that have the  
17 potential conflict.

18           CHAIRPERSON FILKINS WEBBER: Okay. Justin Levett  
19 is identified on page 7. Okay. "He will play a central  
20 role in the coordination of work among the Institute's  
21 large team."

22           COMMISSIONER DI GUILIO: I know. There's the  
23 other individuals, Cotton, Pollock and Stone. I'm trying  
24 to see if those individuals -- and maybe those are the  
25 students.

1           CHAIRPERSON FILKINS WEBBER: I believe they're the  
2 students.

3           COMMISSIONER DI GUILIO: So, again, maybe if their  
4 role is very minimal, the conflict of interest can be  
5 taken into consideration with regards to that, or not? I  
6 don't know, I just would like to know, you can't apply --

7           CHAIRPERSON FILKINS WEBBER: If you'd like to ask  
8 clarification of the bidder, he's here.

9           COMMISSIONER DI GUILIO: But if the information is  
10 not listed in here, it's not clarification on the issue,  
11 it's providing information. So, I guess I should just  
12 leave it as my understanding, with some of these  
13 individuals, because they're not listed, their specific  
14 responsibilities are not listed here, it's an absence of  
15 that material for me to be able to review their conflict  
16 in light of their specific role within this project.

17          CHAIRPERSON FILKINS WEBBER: To aid the  
18 Commission, Ms. Johnston, do you have any recommendations?

19          STAFF COUNSEL JOHNSTON: Well, at least as to Mr.  
20 Levett, you have the description that's there in that  
21 paragraph on page 7, so you could consider him and his  
22 potential --

23          CHAIRPERSON FILKINS WEBBER: Commissioner Forbes  
24 had been waiting.

25          COMMISSIONER FORBES: Yes. I wonder, is this the

1 appropriate time to discuss my concern about the absence  
2 of the funding sources. It seems to me that one of our  
3 actual lodestars has been transparency. And we hear much  
4 about how political activities are funded, but no one  
5 knows who's paying for them. And that's the trouble I  
6 have here.

7 And I don't think you can take a pass by saying,  
8 oh, it's too big, I can't give it to you.

9 I mean, you could have given me the top ten  
10 donors, the top 20 donors, and say I'm not going to give  
11 you a hundred thousand donors, but here at the main  
12 donors. I mean, there's ways of approaching this that  
13 would have provided us with the information that's not  
14 here.

15 And I'm quite troubled by not knowing where the  
16 funding sources are. They may be completely innocent, but  
17 I can't go out and defend it and so that's quite a concern  
18 for me.

19 CHAIRPERSON FILKINS WEBBER: Commissioner Raya?

20 COMMISSIONER RAYA: Following up on Commissioner'  
21 DiGuilio's concern, I have the same problem with whether  
22 we're talking about supplementing or clarifying. And if  
23 you look at some of those descriptions on page 7 and 8,m  
24 they describe the person, they do not say what the person  
25 will do.

1           And in particular, Dr. Miller, Dr. Busch -- I  
2   guess those two, anyway, those two do not have a  
3   description of a role.

4           CHAIRPERSON FILKINS WEBBER: Commissioner Galambos  
5   Malloy?

6           COMMISSIONER GALAMBOS MALLOY: I want to recognize  
7   that this segment of attachment four has various  
8   components to it, so I think Commissioners have a feedback  
9   on different portions of it.

10          My feedback is around the donations or funding and  
11   around services for parties, or for similar interests. It  
12   is problematic for me, as a Commissioner, and I would  
13   anticipate that it should be, also, for the public that I  
14   feel like the Rose Institute essentially said this  
15   information is, you know, difficult to compile and/or  
16   irrelevant and essentially made the Commission's decision  
17   for us as to what information we should have in front of  
18   us to make the decision.

19          It's underscored, my concern around this issue is  
20   also underscored because as I understand it, there was an  
21   opportunity for bidders to actually make inquiries and  
22   clarifications of staff into different questions, what  
23   they meant, whether they were really necessary. And we  
24   confirmed that, yes, the question was there for a reason  
25   that, yes, it needed to be answered on behalf of the Rose

1 Institute. And that the Rose Institute, even knowing that  
2 information, still decided not to provide us with that  
3 information.

4 And to me, that is an area of major concern.

5 LEGAL COUNSEL MILLER: Let me see if I can help  
6 with this. We were asked a question about -- a follow-up  
7 question around what we were expecting with respect to  
8 disclosure.

9 We responded, believing that the bidder, if you  
10 will, was the Rose Institute. And with that in mind said  
11 just tell us who's donated to the Rose Institute.

12 Now that the bid is received, we find or learn  
13 that we had perhaps the wrong perception about who the  
14 bidder was. Indeed, it's the college, rather than the  
15 Institute and, hence, the response that we provided.

16 COMMISSIONER GALAMBOS MALLOY: And, you know, in  
17 following up, my observation is we don't have lists that  
18 apply either to the Rose Institute and/or Claremont  
19 McKenna College.

20 So, it wasn't as though a decision was made we'll  
21 provide this or that, it's the decision was made we're not  
22 going to provide any of that information.

23 CHAIRPERSON FILKINS WEBBER: Commissioner Aguirre?

24 COMMISSIONER AGUIRRE: Yes, I would -- I would --  
25 I share that same concern given that we're presumed that



1 most of the contributions that are made to this public  
2 educational agency are tax deductible. And in that sense,  
3 then, it's required by law to maintain that list and the  
4 amount of the contribution for tax deduction purposes to  
5 those agencies.

6 And, in fact, the agency is supposed to -- is  
7 required to send a letter indicating the amount of that  
8 contribution, the date of the contribution, and sometimes  
9 for what purposes those funds are going to be used.

10 So, I think that that information is readily  
11 available. For an institution like Claremont McKenna, I  
12 would say that they probably have a database that would  
13 require no more than querying the system or asking, going  
14 to an Excel spreadsheet and asking for that list, with the  
15 amounts and that would have been made available to us,  
16 which would have helped us out a lot.

17 CHAIRPERSON FILKINS WEBBER: Commissioner Yao?

18 COMMISSIONER YAO: This question is for Mr.  
19 Miller. With the misunderstanding as to whether we're  
20 asking for information from the Rose Institute versus  
21 asking for information from the Claremont McKenna College,  
22 how should we deal with that particular issue? Money that  
23 goes to a college, and having lived in Claremont for 50  
24 years, I do know private colleges depend very heavily on  
25 donations to operate. And Claremont McKenna College has

1    been around for a number of years so, obviously, they're  
2    reasonably successful in doing that.

3               Is that the information that we would have asked  
4    for is it the information for money that goes directly to  
5    the Rose Institute, who are going to be doing the work?

6               I guess I need to -- it certainly is true that  
7    there's no -- absolutely no information on the Claremont  
8    McKenna College here, but is that what we were expecting  
9    or asking for? Is that -- I guess I'm having a little  
10   problem in terms of what is relevant and what information  
11   did we ask for?

12              LEGAL COUNSEL MILLER: Well, I think you have to  
13   frame what -- first of all, who we thought we were working  
14   with as it relates to the question of funding.

15              COMMISSIONER YAO: Okay.

16              LEGAL COUNSEL MILLER: Now, it was our sense that  
17   the Rose Institute was an independent entity, if you will,  
18   within the College and that it would have been eligible to  
19   receive donations directly. And we had in mind that model  
20   when trying to clarify the issue.

21              Had we received a question that says something  
22   like the Rose Institute is part and parcel of the  
23   university, it receives no separate funding, and you will  
24   be contracting with Claremont University, rather than the  
25   Rose Institute, in the event we're awarded this bid, we

1 might have responded differently.

2 That wasn't the question we were answered [sic],  
3 so we did our best to respond with the understanding we  
4 had at the time.

5 And I can't speculate as to how it might have come  
6 out had a question been asked to us differently.

7 CHAIRPERSON FILKINS WEBBER: Commissioner Dai?

8 COMMISSIONER DAI: I believe the way the question  
9 was asked was "has the person or entity, and the entity we  
10 are now assuming is Claremont McKenna College, submitting  
11 this bid during the past ten years received donations or  
12 funding from any source, whether in cash or in kind, that  
13 are used to support the operations of the person or  
14 entity? If yes, please state the date, nature, amount of  
15 donation or funding and the source of the funding."

16 So, I think the answer is, yes, we would need all  
17 that information.

18 I, personally, understand that large universities  
19 have many centers and institutes that are usually not  
20 independent.

21 The issue I have is just a blanket statement that  
22 none of these funding sources represent any conflict and,  
23 yet, there's no listing of them.

24 So, we have to kind of take it on faith that we  
25 don't need to know who they are, but they don't represent

1 any conflict. So, that's my concern.

2 And then I know we're focused on the funding, but  
3 I still can't get over the first part, which was a  
4 response to listed conflicts. And it says that full  
5 disclosure is required here.

6 And these are the same conflicts that were applied  
7 to the Commission. And the statement -- and the response  
8 to that is: "Neither the Institute, itself, nor any  
9 members of the Rose Institute team have any of the listed  
10 conflicts within the past ten years."

11 And I believe that's what Mr. Villanueva and Ms.  
12 Johnston had pointed out, there are members of the team  
13 listed that have -- that have exactly those conflicts.

14 So, you can argue whether you think it matters for  
15 a student or not but, certainly, for Mr. Levett it's a  
16 clear conflict and it wasn't disclosed. So, that's  
17 something I have a problem with.

18 CHAIRPERSON FILKINS WEBBER: Commissioner Forbes?

19 COMMISSIONER FORBES: Yeah, I want to read out of  
20 their bid. And I understand the problem of having many  
21 contributors for a university, but that's not the only  
22 funding sources.

23 It says, "The Institute's operations funded from  
24 the Institute's share of the college endowment." That's  
25 fine, let's take that off the table.

1           "By contracting research projects, primarily" --  
2   which means not exclusively -- "primarily for local  
3   governments" -- which ones? -- "and to a smaller  
4   extent" -- how small? -- "by donation from the Institute's  
5   Board of Governors" -- who are? -- "alumni and other small  
6   individual or organizations" -- which? -- "donors."

7           I mean, there's a whole bunch of stuff outside of  
8   the college contribution list that I think should have  
9   been provided. I mean, and they don't -- they don't offer  
10   any statement about that at all.

11           CHAIRPERSON FILKINS WEBBER: Commissioner Yao?

12           COMMISSIONER YAO: One phrase that caught my  
13   attention was "that supports the operation." Commissioner  
14   Dai, maybe you can repeat that statement, I couldn't  
15   readily get to it?

16           COMMISSIONER DAI: Sure. "Funding from any  
17   source, whether in cash or in kind, that are used to  
18   support the operations of the person or" --

19           COMMISSIONER YAO: Okay, let me stop at that  
20   point. Is it appropriate for me to ask the question as to  
21   whether it does or does not support the operation of the  
22   Rose Institute?

23           CHAIRPERSON FILKINS WEBBER: If you're asking for  
24   clarification?

25           COMMISSIONER YAO: Yes, that's the -- I think it's

1 a clarification question, but I'll leave it up to the  
2 Chair to interpret it.

3 CHAIRPERSON FILKINS WEBBER: I have the same  
4 clarification, so I'd like the bidder to respond.

5 MR. JOHNSON: If you turn to the Rose Institute  
6 informational materials that are included in our proposal,  
7 they're after page 34, you will see a listing of over 50  
8 of our recent projects. There's different sections,  
9 depending on the type of project. Each one highlights our  
10 biggest projects in that field and then has a listing of  
11 other significant projects in that field.

12 All together, over 50 of our projects are listed  
13 here and they are our biggest ones.

14 If you continue through that, past the list of  
15 projects, you get to conferences and you see the  
16 conferences involved, all of which were funding for us,  
17 our staff and then the Rose Institute Board of Governors.

18 So, we do provide as much information as we are  
19 allowed to.

20 And I would note, too, as we mentioned in the  
21 report, you know, our donors are -- and are activities are  
22 monitored by the IRS, we are not allowed to engage in  
23 advocacy under IRS law, and this is all mentioned in the  
24 report.

25 So, while we're unable to provide a list of all

1 the donors to the Claremont McKenna College for the last  
2 ten years because there are, like I said, thousands and  
3 thousands of them, I did provide our 50 largest projects,  
4 our board of governors. And you can only imagine how many  
5 weeks of dealing with lawyers it would take in order to  
6 get even a request for that list.

7 And the IRS, the same IRS laws that require us to  
8 disclose all that activity, also limit the release of that  
9 information, just as it does for any nonprofit  
10 organization. And those laws go way back and we would  
11 have -- it would take months to sort through those laws to  
12 get you a full donor list.

13 CHAIRPERSON FILKINS WEBBER: Commissioner  
14 DiGuilio?

15 COMMISSIONER DI GUILIO: So, is that -- are  
16 they -- the items that Mr. Johnson pointed out -- this is  
17 a question for staff. Are the items that Mr. Johnson  
18 pointed out, is that sufficient to answer that question or  
19 is that still not a monetary -- are we looking for the  
20 actual, specific -- I understand these are projects, but  
21 we still don't know where the funding or how much they  
22 were. So, does that meet the requirement or does it not,  
23 in your opinion?

24 STAFF COUNSEL JOHNSTON: This may have to go to  
25 the second part of your inquiry about how much public

1 trust, sense of responsibility there is.

2 In the first part you're limited to the document,  
3 itself. And for the document, itself, he says "no  
4 conflicts in staff, no conflicts in donations." There is  
5 nothing in the proposal that indicates any conflicts with  
6 donations, we just don't know.

7 So, I think his statement that there are none  
8 cannot be deemed nonresponsive because he made a response  
9 that we can't -- that we have to accept if there's no  
10 contrary information at this point in time.

11 His statement that there's no conflicts among  
12 staff, I think you can look at the resumes to see whether  
13 there's an inconsistency there that's significant.

14 MR. JOHNSON: And I'm happy to clarify that  
15 whenever you want.

16 CHAIRPERSON FILKINS WEBBER: Mr. Miller.

17 LEGAL COUNSEL MILLER: Maybe I can ask one  
18 clarifying question. Does the Rose Institute receive,  
19 from time to time, donations directly to support its  
20 purposes?

21 For example, if you have someone that is  
22 interested in this area are they able to either give  
23 directly to the Rose Institute or give to the college and  
24 earmark those funds for the support of the Rose Institute?

25 MR. JOHNSON: Yes, we do essentially contract type



1 projects and that's what's in -- that's the projects that  
2 are listed in this --

3 LEGAL COUNSEL MILLER: Okay.

4 MR. JOHNSON: But they are checks to the college,  
5 they are not checks to the Rose Institute.

6 LEGAL COUNSEL MILLER: In addition, might one give  
7 a donation, simply because they want to support the  
8 research function of the Institute?

9 MR. JOHNSON: Well, it sounds like an easy  
10 question, but as anyone that's been in a college knows,  
11 you know, the money goes into a big pool, how that gets  
12 sorted out is --

13 LEGAL COUNSEL MILLER: My questions is, let's say  
14 I have an interest in redistricting and want to support  
15 research in that area, and I don't want it to go to  
16 bioscience, I want it to go strictly to redistricting, can  
17 I give a check to the college for that purpose and ask  
18 them to earmark it to the Rose Institute for that reason?

19 MR. JOHNSON: It would be earmarked for a specific  
20 project, like those listed in the book here, if they want  
21 it to go to a specific project. But that would be the  
22 person contracting with us for the project.

23 COMMISSIONER GALAMBOS MALLOY: I have an  
24 additional question, clarification. Mr. Johnson, you  
25 pointed us -- in addition to the list of the projects, you

1 pointed us to the board of governors listing in here. So,  
2 if you could clarify what your intent was in pointing us  
3 to this direction in response to the questions regarding  
4 funding?

5 Are we to interpret it as your board of governors  
6 are also donating to and funding the operations of the  
7 Rose Institute and, therefore, we should also look at  
8 potential conflicts of the list of names and entities that  
9 are listed on the board of governors?

10 MR. JOHNSON: Yes, on the page 31, donations or  
11 funding text that we've been focused on, where it mentions  
12 the list of donors, we do include it by donations from the  
13 Institute's Board of Governors.

14 And Mr. Forbes raised a concern that -- in this  
15 giant pack of paper he hadn't noticed that one page, so I  
16 wanted to point that page out to him. Because it is  
17 referenced on page 31 and provided on this, provided here  
18 in the packet.

19 COMMISSIONER GALAMBOS MALLOY: So, that's a yes  
20 that your board of governors are -- should be considered  
21 funders and donors of your work, of the Rose Institute?

22 MR. JOHNSON: Yes.

23 COMMISSIONER GALAMBOS MALLOY: Okay, thank you.

24 COMMISSIONER DI GUILIO: But we haven't had staff  
25 look at them in terms of any conflict?

1           STAFF COUNSEL JOHNSTON: We haven't looked outside  
2 of what is provided to us.

3           MR. JOHNSON: This is -- as we discussed earlier,  
4 this is the issue that staff clarified earlier, they took  
5 the statements of both us, they didn't go into it. And  
6 this is exactly the question where we said we don't know  
7 and Q2 answered wrong.

8           CHAIRPERSON FILKINS WEBBER: Commissioner Raya?

9           COMMISSIONER RAYA: I'm sorry, I don't think I  
10 quite understood the question that Mr. Miller -- the  
11 question and the response. I want to be sure I got it  
12 right.

13           I understood the question to be whether people can  
14 give money to the college to be earmarked for the Rose  
15 Institute and I understood the answer to be, yes, people  
16 who enter into contracts with -- for a project.

17           But I was hearing the question as just a donor, if  
18 I wanted to give you a million dollars could I just say,  
19 here's a million dollars because I'm so interested in the  
20 work you do, or give it to the college, earmarked for you.

21           MR. JOHNSON: You would give it to the college,  
22 yes, and --

23           COMMISSIONER RAYA: And that would be a donation,  
24 I'm not entering into a contract with you, I just want to  
25 give you money?

1 MR. JOHNSON: Sure.

2 COMMISSIONER RAYA: That could be done. And is  
3 that done on a frequent basis?

4 MR. JOHNSON: I don't know.

5 COMMISSIONER RAYA: Thank you.

6 CHAIRPERSON FILKINS WEBBER: Any other questions,  
7 comments on Item D?

8 COMMISSIONER ANCHETA: So, just a question on --  
9 so, staff, Ms, Johnston, you're suggesting that the --  
10 that there is no material deviation, at least with respect  
11 to donations or funding because the response is we don't  
12 see any, period.

13 STAFF COUNSEL JOHNSTON: We could not see any  
14 within the proposal, that's correct.

15 COMMISSIONER ANCHETA: Okay.

16 STAFF COUNSEL JOHNSTON: We could see them as to  
17 the staff members, but not as to funding because the  
18 information wasn't provided.

19 BUSINESS MANAGER VILLANEUVA: Actually, if I  
20 could --

21 COMMISSIONER ANCHETA: But is the failure to  
22 provide information a material deviation? You're saying  
23 it's not.

24 BUSINESS MANAGER VILLANEUVA: Actually, if I could  
25 clarify, we weren't pointing out a determination, right,

1     that's up to the Commission.

2                 What we were doing is pointing out areas where we  
3     asked for information, we, the Commission, yourselves, the  
4     bid, and there was insufficient follow through or we  
5     couldn't find the information.

6                 As far as does that -- do they meet the  
7     requirement? That's not for us to say, that's for the  
8     Commission to say.

9                 CHAIRPERSON FILKINS WEBBER: So, that was my  
10    further clarification, which is we asked whether or not  
11    there were conflicts of interest and the response from the  
12    bidder is "None of these funding sources represent any  
13    conflict with the Institute's proposed work for the  
14    Commission." And that's the response.

15                STAFF COUNSEL JOHNSTON: And there are no  
16    conflicts with staff.

17                CHAIRPERSON FILKINS WEBBER: And no conflicts with  
18    staff, okay. So, then if we wanted to take it to the next  
19    level, in regard to the individuals that you've identified  
20    in B, we can discuss if any Commission member has any  
21    concerns regarding what has been identified by staff -- by  
22    our staff, as to the individuals that are identified on  
23    page 5.

24                Commissioner Blanco?

25                VICE-CHAIRPERSON BLANCO: I just want to make sure

1 I know what we're considering here. There are two aspects  
2 to section D, the conflict and impartiality statement.  
3 One is the staff's statement to us, in their review, that  
4 this section is incomplete. And are you saying it's  
5 incomplete on two different bases?

6 One, that there was a request for conflict  
7 information and we don't have it for all of the people  
8 list in the -- as people working on the project?

9 CHAIRPERSON FILKINS WEBBER: No, that was my  
10 question.

11 VICE-CHAIRPERSON BLANCO: I'm trying to clarify.

12 CHAIRPERSON FILKINS WEBBER: Okay.

13 VICE-CHAIRPERSON BLANCO: And then there's a --  
14 whatever -- and then there's a separate issue as to the  
15 funding disclosures. I'm just saying, there's a conflict  
16 of interest issue and there's a funding disclosure issue,  
17 is that correct?

18 STAFF COUNSEL JOHNSTON: Right.

19 VICE-CHAIRPERSON BLANCO: Both under the same  
20 section?

21 STAFF COUNSEL JOHNSTON: Yes.

22 VICE-CHAIRPERSON BLANCO: Right. Okay, I just  
23 want to make --

24 STAFF COUNSEL JOHNSTON: The only disparity we  
25 pointed out was as to staff because there's nothing within

1 the bid submission that talks about outside funding  
2 sources, other than Mr. Johnston's statement that there's  
3 no conflict, so we had nothing to contradict that with.

4 CHAIRPERSON FILKINS WEBBER: And there's a  
5 likelihood that that came about based on the inquiry and  
6 clarification that we provided to the Rose Institute.

7 STAFF COUNSEL JOHNSTON: Correct.

8 CHAIRPERSON FILKINS WEBBER: I want that on the  
9 record.

10 Commissioner Barabba?

11 COMMISSIONER BARABBA: Yes, I was looking at the  
12 Claremont McKenna College, Rose Institute, and it says,  
13 "If you want to make a contribution to the Rose  
14 Institute's outstanding programs with a gift, click to  
15 this link. Otherwise, please mail your gift to Steven  
16 Siegel, Assistant Vice President Institute and Advancement  
17 Operations."

18 So, apparently, you can make a contribution  
19 directly to the Institute.

20 MR. JOHNSON: Yes, and that's what I told  
21 Commissioner Raya.

22 COMMISSIONER BARABBA: Yeah, okay. And it is --  
23 it's very public that you can. In fact, it's encouraged.

24 MR. JOHNSON: Well, it's as we discussed earlier,  
25 it's a donation to the college that is earmarked --

1           COMMISSIONER BARABBA: Well, this one says the  
2 Rose Institute.

3           MR. JOHNSON: Commissioner, with all due respect,  
4 there is no Rose Institute bank account. It's similar to,  
5 you know, the bank accepts checks into the Claremont  
6 McKenna bank account that have Rose Institute written on  
7 them.

8           Internally, the college does keep track of such  
9 donations, obviously, but it's consistent with my earlier  
10 answer.

11          CHAIRPERSON FILKINS WEBBER: Commissioner Dai?

12          COMMISSIONER DAI: I'd like to give Mr. Johnson an  
13 opportunity to respond to the staff conflicts.

14          MR. JOHNSON: Thank you. It's a good question  
15 and, you know, outside of the rush of putting this  
16 together, I realized that the resumes could have been  
17 clearer.

18          Dr. Handley's conflicts are clear, which is kind  
19 of a side issue.

20          With Mr. Levett, Ms. Cotton, Ms. Pollock, and Mr.  
21 Stone, all of those were fellowships or internships,  
22 essentially student programs.

23          Mr. Levett's was the Assembly Fellow's Program,  
24 that's what he was doing at the time.

25          So, as those are all nonpartisan programs, I



1 realize now, going back through the resume, obviously, I  
2 would come to the same thought it was, because some of  
3 them didn't clarify that it was a fellowship or an  
4 internship.

5 All of them, however -- Mr. Levett's job is  
6 described. The others' jobs are not described because  
7 their job is to do whatever we tell them. And so if you  
8 want to exclude them from the project, you know -- my view  
9 was they'd be valuable members of the team, we put them in  
10 there for those roles. And those were nonpartisan  
11 programs, even though they put them into partisan offices.

12 If the Commission would be more comfortable  
13 excluding them, as I said, most of them are just do-what-  
14 we-tell-them type of staff roles, and we can do that.

15 COMMISSIONER DAI: So, I don't have a question  
16 with the student internships. My questions is about Mr.  
17 Levett. Because on his resume it's listed that he worked  
18 for the Republican Assembly Caucus Office of Policy.  
19 Could you clarify more on how that's nonpartisan?

20 MR. JOHNSON: It was the Assembly Fellows Program  
21 and he was assigned to that office. So, I didn't view it  
22 as disqualifying, but I could see where people raise  
23 concerns and, if you want to, we can exclude him from the  
24 project, certainly.

25 CHAIRPERSON FILKINS WEBBER: Commissioner -- okay,

1 Commissioner DiGuilio?

2 COMMISSIONER DI GUILIO: I just wanted -- I'm  
3 sorry, because I'm not as familiar with the Assembly  
4 Fellow Program, if we, as Commissioners, had had that in  
5 our background, would that have disqualified us?

6 COMMISSIONER DAI: I think we should ask Mr.  
7 Miller that question.

8 LEGAL COUNSEL MILLER: Well, I think in the  
9 absence of understanding how the program works, it's  
10 difficult to response. It's not a program I'm familiar  
11 with.

12 COMMISSIONER ANCHETA: I know a little bit about  
13 it, very little, because I've written recommendations for  
14 students who are applying. It is nonpartisan in terms of  
15 its screening, and acceptance, and the application process  
16 to get a fellowship.

17 My understanding is that the fellow -- and there's  
18 a Senate, and Assembly, and Executive fellowship.

19 I believe probably some -- I think maybe some  
20 negotiation with the applicant, but I'm not sure about  
21 that. But that fellowship program will place you with  
22 somebody in the Assembly. And, of course, just about  
23 everybody in the Assembly has a partisan affiliation.

24 But I think, I don't know if you can say, well, I  
25 only want a Republican or I only want a Democrat.

1           But, ultimately, you will work for a member of the  
2   Assembly, who will have a partisan affiliation, and that's  
3   part of the fellowship program.

4           MR. JOHNSON:   And I may be able to answer, too.   I  
5   think -- I think in your qualifications, if you worked for  
6   the Legislature at all, you were disqualified.

7           COMMISSIONER DAI:   Yeah, I was going to -- I was  
8   going to read that.   It specifically says that "You cannot  
9   have served as a paid Congressional Legislative or Board  
10   of Equalization staff."

11           And I think this would be considered legislative  
12   staff.

13           MR. JOHNSON:   The only -- the only thing is that  
14   it's run through Cal State Sacramento, so there may be  
15   some gray there.   but if the gray makes you uncomfortable  
16   then --

17           LEGAL COUNSEL MILLER:   For this purpose, perhaps  
18   the best test is should it have been disclosed, as opposed  
19   to whether it would be disqualifying?

20           CHAIRPERSON FILKINS WEBBER:   Any other comments,  
21   questions, or concerns on the --

22           VICE-CHAIRPERSON BLANCO:   I have a question for  
23   staff.   So on this one, you know how before we were saying  
24   is it omission, correct, what would we be looking at here,  
25   on this one?

1           STAFF COUNSEL JOHNSTON: I think it is a  
2 deviation.

3           VICE-CHAIRPERSON BLANCO: A deviation.

4           STAFF COUNSEL JOHNSTON: The question is whether  
5 you think it's material.

6           VICE-CHAIRPERSON BLANCO: Right. So, it's a  
7 deviation, not an omission. Okay.

8           BUSINESS MANAGER VILLANEUVA: We saw it kind of  
9 the way that -- that the attorney's describing, in that  
10 should it have been disclosed.

11          VICE-CHAIRPERSON BLANCO: Uh-hum.

12          BUSINESS MANAGER VILLANEUVA: And rather than  
13 making that determination, ourselves, the question asked  
14 is it there, we saw that information and felt you needed  
15 to see that. And so that -- that does become one of the  
16 issues, then, should -- is disclosure required?

17          CHAIRPERSON FILKINS WEBBER: Commissioner Ward?

18          COMMISSIONER WARD: I share the same concerns. I  
19 mean, the discussion's very fair and this is very  
20 troubling to me, too.

21                 But with the clarifications, I mean, this doesn't  
22 seem to be -- I mean, what are we trying to do? We're  
23 trying to give ourself options here. I mean, that's why  
24 we put the bid out. Are we trying to find reasons to  
25 disqualify or are we trying to provide ourself, you know,

1 options at how to best, you know, provide the service?

2 And when we look at, you know, the omissions and  
3 the things like that, I mean, when it comes to the  
4 financials -- again, I don't think any of this wasn't  
5 disclosed. I was concerned that it was.

6 But when we're talking about disclosing, bringing  
7 the fellowships and the things like that, obviously, it  
8 was disclosed because we found it in the resumes. I mean,  
9 it's there.

10 I would have been -- feel very differently if we  
11 had information of those and it wasn't there, then I  
12 would -- and such. But, certainly, it's there.

13 And his explanation of the financials, you know,  
14 like Stan read, literally thousands of donations, totaling  
15 millions of dollars every year. Again, I don't think in  
16 and of itself, that's helpful.

17 But providing a full list of donors over the last  
18 ten years would take much longer than the time provided to  
19 complete this proposal, would require review by the  
20 College's legal and development offices.

21 Understanding that, and the timelines with this,  
22 and then with the clarification, understanding that these  
23 things are tracked by the IRS and things like that, in and  
24 of itself, for this purpose, it doesn't concern me.

25 Now, later, when we get talking about transparency

1 and things like that, that might be a factor.

2 But with what we're discussing now, it seems like  
3 we're really beating it in a way that doesn't seem like  
4 it's appropriate for this stage.

5 So, anyway, I'm comfortable with the information  
6 that's provided.

7 CHAIRPERSON FILKINS WEBBER: Thank you,  
8 Commissioner Ward.

9 I do have just one point of clarification of Mr.  
10 Johnson and then I'll get to Commissioner Raya and  
11 Commissioner Barabba.

12 Making sure that I understand it correctly, on  
13 page 23, under the conflict and impartiality statement,  
14 you had specifically stated no conflicts.

15 And now, based on the evaluation that has been  
16 provided by staff, to make sure I understand you  
17 correctly, you did not feel that Justin Levett and his  
18 identification of being a fellow with the Republican  
19 Assembly constitutes -- constituted a conflict that you  
20 needed to disclose on attachment four or was that an  
21 oversight?

22 MR. JOHNSON: No, I knew he'd been an Assembly  
23 Fellow, but I didn't view that as a conflict.

24 CHAIRPERSON FILKINS WEBBER: Okay. So, you didn't  
25 see that he fit into any of these categories, based on the

1 inquiry that even the Commission members have made about  
2 fellowships, because I truly don't understand that.

3 So, I just want that clarification, first.

4 MR. JOHNSON: Right.

5 CHAIRPERSON FILKINS WEBBER: Okay. And so as to  
6 Handley, we've taken her out of the picture.

7 As to Cotton, again, is it your explanation that  
8 you identified her as not having a conflict because she --  
9 it was an internship?

10 MR. JOHNSON: Yes, I think she was actually in  
11 high school at the time.

12 CHAIRPERSON FILKINS WEBBER: Okay. And Pollock,  
13 based on what staff has provided, again, your explanation  
14 is that that didn't constitute a conflict for attachment  
15 four because, again, that was an internship?

16 MR. JOHNSON: Right. She actually lives in  
17 Sacramento and she actually is a decline-to-state voter.  
18 She was just doing an internship.

19 CHAIRPERSON FILKINS WEBBER: Okay. And Stone, I'm  
20 afraid my notes don't reflect what staff had identified  
21 for that.

22 Can you provide the explanation as to why you  
23 thought there was not a conflict that you needed to  
24 identify on attachment four?

25 MR. JOHNSON: Right. He was the one who did an

1 internship in Senator Boxer's Constituent Service Office,  
2 in his hometown.

3 CHAIRPERSON FILKINS WEBBER: Okay. So, just so  
4 that I have it, so you're providing clarification as to  
5 your explanation for your statement of no conflicts on  
6 attachment 4, based on the information and clarification I  
7 just sought. Correct?

8 MR. JOHNSON: Yes.

9 CHAIRPERSON FILKINS WEBBER: Thank you.  
10 Commissioner Raya?

11 COMMISSIONER RAYA: I just had a process question,  
12 because we seemed to be -- Commissioner Ward seemed to be  
13 stepping into the next -- into more of a discussion,  
14 rather than questions or, you know, some entry into  
15 deliberation.

16 So, I just want to understand exactly where we are  
17 in terms of this process?

18 CHAIRPERSON FILKINS WEBBER: I recognized that and  
19 I did not cut him off, so to speak, primarily because of  
20 the fact that this is a new process and procedure.

21 COMMISSIONER RAYA: Okay, that's fine.

22 CHAIRPERSON FILKINS WEBBER: You're correct that  
23 we -- he probably did overstep a little bit. But,  
24 Commissioner Ward, I want to just provide a little further  
25 explanation that we are taking this step by step. We have



1 to linger on these issues and seek the bidder's  
2 clarification where we think is necessary.

3 So, obviously, everybody else had an opportunity  
4 to speak and that's why I provided him a little leeway  
5 there.

6 Does anyone else have any questions, concerns?

7 I'd like to consider a break here, we have been  
8 going for nearly an hour and a half, as well.

9 COMMISSIONER BARABBA: Can I ask a quick question?

10 CHAIRPERSON FILKINS WEBBER: Oh, Commissioner  
11 Barabba.

12 COMMISSIONER BARABBA: In the process, so I mean  
13 let's say there's a bunch of little things and you say,  
14 okay, okay, when do we step back and say that those little  
15 things add up to something bigger?

16 CHAIRPERSON FILKINS WEBBER: The question becomes,  
17 as I had asked before, the next step, and part of this  
18 discussion is whether or not somebody will provide a  
19 motion that whether this constitutes a material deviation.  
20 That's the process and procedures.

21 COMMISSIONER BARABBA: And item-by-item, we could  
22 say overall?

23 CHAIRPERSON FILKINS WEBBER: No, we're on section  
24 D of the evaluation.

25 COMMISSIONER BARABBA: Yeah, but that's not my

1 question.

2 CHAIRPERSON FILKINS WEBBER: Oh, okay.

3 COMMISSIONER BARABBA: My question is, so let's  
4 say we think this is not that big a deal. But if you go  
5 through this and you do eight of them and you say it's  
6 kind of not too big a deal, but there's eight of them --  
7 but there's eight of them. And I think there's eight of  
8 them and I think that is a big deal.

9 CHAIRPERSON FILKINS WEBBER: Eight of what?

10 COMMISSIONER BARABBA: Eight minor little  
11 problems.

12 CHAIRPERSON FILKINS WEBBER: You mean like we  
13 started with the original signature?

14 COMMISSIONER BARABBA: Yeah.

15 CHAIRPERSON FILKINS WEBBER: Okay. Well, no,  
16 we're not grouping them up. I mean, as I understand the  
17 process and staff can clarify, we need to take them one by  
18 one.

19 COMMISSIONER BARABBA: But I guess my question is,  
20 is if you think about when we eventually go, and we have  
21 to go in front of a court and we have to go through all  
22 these things to defend the action that we've taken,  
23 because of how everything was run, it would seem to me  
24 that it's the sum of these that we need to make a judgment  
25 on as well.

1           STAFF COUNSEL JOHNSTON: I would -- if I might  
2 suggest, you might do that on the second part, of whether  
3 or not someone has -- is responsible and has public trust.

4           COMMISSIONER BARABBA: Okay, thank you. That  
5 answers my question.

6           CHAIRPERSON FILKINS WEBBER: Thank you. Anything  
7 pressing before we consider a break?

8           I'd like to make a -- we'll take a ten-minute  
9 break and come back here at about -- how about five of?  
10 Thank you.

11           (Off the record at 2:38 p.m.)

12           (Back on the record at 2:55 p.m.)

13           CHAIRPERSON FILKINS WEBBER: Good afternoon.  
14 Thank you for coming back from our break.

15           We are resuming our discussion, all Commission  
16 members are present from this morning.

17           Prior to our brief break we were discussing the  
18 evaluation of the Rose Institute and we were at section D,  
19 on the conflicts and impartiality statement. We have had  
20 a full discussion in that regard.

21           Is there any other final comments that any  
22 Commission member would like to make concerning this topic  
23 or any further clarification of the bidder, Mr. Johnson,  
24 who's present. Again, we're on the conflict and  
25 impartiality statement.

1 Commissioner Galambos Malloy?

2 COMMISSIONER GALAMBOS MALLOY: So this, again, is  
3 in regards to the conflict and impartiality statement and,  
4 you know, as a Commissioner, if there had been any sort of  
5 good faith attempt to provide us with even a partial  
6 listing of either donors to the Rose Institute, donors to  
7 Claremont McKenna College, potentially donors over a  
8 certain size to as to make it a manageable number of  
9 donors, I think I'd feel differently.

10 But absent of any real substance to validate the  
11 statement that says "none of these funding sources  
12 represent any conflict with the Institute's proposed work  
13 for the Commission" I do need to make a motion.

14 And with that motion to identify the conflict and  
15 impartiality statement as constituting a material  
16 deviation from the requirements that we set forth.

17 CHAIRPERSON FILKINS WEBBER: Is there a second?

18 COMMISSIONER FORBES: I'll second that.

19 CHAIRPERSON FILKINS WEBBER: The reason I'm  
20 momentarily -- Ms. Sargis is not here to actually get down  
21 the motion.

22 STAFF COUNSEL JOHNSTON: I got it.

23 CHAIRPERSON FILKINS WEBBER: So, Ms. Johnston got  
24 it, that's good.

25 STAFF COUNSEL JOHNSTON: The motion is the

1 conflict -- the response to the conflict and impartiality  
2 statement constitutes a material deviation.

3 CHAIRPERSON FILKINS WEBBER: Okay. Any discussion  
4 from any Commission member regarding the motion?

5 COMMISSIONER DAI: Yeah, just a process  
6 clarification. So, we're kind of considering each of  
7 these one at a time to consider whether they're a material  
8 deviation and then we'll discuss as a whole as to whether  
9 we consider the bid to be responsive, is that right?

10 CHAIRPERSON FILKINS WEBBER: No. If there is a  
11 majority vote, as I understand it, and staff please  
12 correct me if I'm wrong, if the motion carries that this  
13 portion of the bid constitutes a material deviation, then  
14 the entire bid is considered nonresponsive and the result  
15 is a fail, and this bidder does not go forward any further  
16 and we need not consider any other discussion item  
17 throughout the course of what has been identified by our  
18 staff.

19 Am I correct, Ms. Johnston?

20 STAFF COUNSEL JOHNSTON: It depends on how you  
21 define material. If you say material means as totally  
22 disqualifying then, yes.

23 If you say it's material, but we want to see what  
24 else there is to consider at the end, I think that would  
25 be proper, also. It really is up to the Commission.

1 COMMISSIONER GALAMBOS MALLOY: And in terms -- so,  
2 then does that fall to the maker of the motion to define  
3 what their intent is or --

4 STAFF COUNSEL JOHNSTON: That would probably make  
5 it clearer. If you think it's sufficiently material that  
6 it should disqualify from further consideration.

7 COMMISSIONER GALAMBOS MALLOY: My motion is to  
8 acknowledge it as a material deviation, but to continue  
9 on. I would like to evaluate all of the sections and then  
10 be able to identify, as a whole, whether the bid is  
11 responsive or not.

12 CHAIRPERSON FILKINS WEBBER: And your motion is  
13 then amended or your -- there was a motion previously --

14 COMMISSIONER FORBES: I'll accept the  
15 modification.

16 CHAIRPERSON FILKINS WEBBER: Okay, thank you. I  
17 forgot who seconded it.

18 STAFF COUNSEL JOHNSTON: The response to the  
19 conflict and impartiality statement constitutes a material  
20 deviation but we will continue to evaluate Rose Institute.

21 COMMISSIONER GALAMBOS MALLOY: yes.

22 CHAIRPERSON FILKINS WEBBER: And confirmation is,  
23 Mr. Forbes, that you're agreeable to that addition?

24 COMMISSIONER FORBES: I am.

25 CHAIRPERSON FILKINS WEBBER: Okay. Let me put

1 everybody in line. Commissioner Ancheta?

2 COMMISSIONER ANCHETA: Yeah, so speaking to the  
3 motion, I also am, as I've stated earlier, troubled by the  
4 nondisclosure of potential conflicts. Again, there may  
5 not be any, but I don't know.

6 Now, I understand there may be some ambiguity in  
7 terms of the staff's communicating to the bidder that  
8 perhaps the wrong -- or one entity or the Rose Institute,  
9 as an entity was -- might be the appropriate entity,  
10 rather than the college as a whole and I understand that  
11 may have created some ambiguity.

12 Notwithstanding that, I still believe that even if  
13 the bidder were assuming that it were just the Rose  
14 Institute and, therefore, only a limited number of  
15 potential donors, that the bidder's reply is still  
16 nonresponse.

17 Because even if you are a unit of a college, and  
18 the college ultimately is the fiscal agent and is the  
19 ultimate contractor for whatever you're doing,  
20 universities and colleges track and have offices that  
21 track the flow of funds to that unit, the specific subunit  
22 of a college or university.

23 So, again, presumably there is a dollar figure  
24 from which the Rose Institute's budget derives a portion  
25 of its funding from the college endowment directly. I

1 don't know how much that is. It may be a lot, it may be  
2 very little.

3           There are contracted research projects. Again,  
4 Claremont McKenna may itself be the entity that's signing  
5 those contracts. I don't -- again, we have some  
6 indication of who they are. We don't know how big they  
7 are, what they're for and, again, various listings of  
8 donations.

9           And again, it may be possible that some of these  
10 are designated specifically for the Rose Institute. I'm  
11 sure, as of many universities, you write a check to any  
12 number of units within the university and it still gets  
13 deposited to the big account. But somebody's tracking  
14 that because it's not all it just sort of goes into the  
15 pool and then it gets lost.

16           So you are responsible, I would think, for  
17 maintaining some sense of where the money's flowing. And  
18 I would presume that the Rose Institute, if it gets a  
19 check, for example, that's made out to the Rose Institute  
20 would like to see that money come back at some point.  
21 That it's not just given to the university and it's never  
22 seen again, that there's some relationship between what  
23 the donor intended the money to be used for and that it  
24 ultimately gets back to -- which I think as it should,  
25 come back to the entity.



1 I don't see that -- and again, with respect to  
2 alumni, other individual organizational donors. Again, it  
3 may be made out to Claremont McKenna, but I would presume  
4 there are some tracking mechanisms, I would think this is  
5 a well-established, you know, very good college that they  
6 have data on these.

7 And even if one were assuming it were just the  
8 Rose Institute there would be some -- some more specifics  
9 regarding where those monies came from, how much they  
10 were, and all those items.

11 And I didn't think that this provided sufficient  
12 information for us to make a decision.

13 Again, there may be no conflicts whatsoever, but I  
14 just don't have enough given this information.

15 CHAIRPERSON FILKINS WEBBER: Commissioner Yao?

16 COMMISSIONER YAO: I'm puzzled. I thought one  
17 finding is going to disqualify the proposal. And here we  
18 are, if a positive vote on the motion before us, is it a  
19 conditional pass or what -- what is it? I didn't think we  
20 were using the process of adding up all the -- all the  
21 negative scores from a number of things and toward the end  
22 be able to make a decision, saying that, okay, maybe every  
23 one of them is a pass but, overall, we failed the  
24 responsiveness portion of the proposal.

25 I guess I need to understand as to what the --

1 what the judging system is. I'm not questioning the --

2 STAFF COUNSEL JOHNSTON: The problem is it's very  
3 subjective what is important enough to you. Is it  
4 important enough to raise questions in your mind, but you  
5 still want to go further? Or is it important enough to  
6 you that you want to stop the process here.

7 And as I understand Commissioner Galambos Malloy's  
8 motion, it's sufficient to raise questions in her mind,  
9 but she still wants to look at the rest of the bid.

10 COMMISSIONER YAO: Again, may I continue?

11 CHAIRPERSON FILKINS WEBBER: Yes.

12 COMMISSIONER YAO: If the -- if the decision is  
13 saying that this is relatively unimportant and even if it  
14 fails, we can go on, then I'd like to make that  
15 clarification up front. Okay.

16 But if we say that it is important and we fail it,  
17 then I don't understand as to why we would go on and  
18 looking at the rest of it is really -- I'm asking a  
19 process question.

20 It's early on I asked the question would one  
21 failure disqualify the proposal and the answer I got at  
22 that point was yes.

23 STAFF COUNSEL JOHNSTON: It could. I don't mean  
24 to be evasive about it. But you could decide that this is  
25 important enough to you that you should stop the process

1 here.

2 You could also decide that it's important, but you  
3 want to wait and see the rest of the information.

4 COMMISSIONER GALAMBOS MALLOY: So, I made the  
5 motion based on my reading of the bid that we have in  
6 front of us.

7 If there is another Commissioner that would like  
8 to amend my motion, or have an alternate motion that goes  
9 that next step, that can be done. Correct?

10 STAFF COUNSEL JOHNSTON: Correct.

11 COMMISSIONER FORBES: Let me -- can I ask a  
12 question of Ms. Johnston?

13 CHAIRPERSON FILKINS WEBBER: Commissioner Forbes,  
14 then Commissioner Raya.

15 COMMISSIONER FORBES: I'm sorry.

16 CHAIRPERSON FILKINS WEBBER: And, actually,  
17 DiGuilio beat all of you. Let me give her --

18 COMMISSIONER FORBES: I'll wait my turn.

19 CHAIRPERSON FILKINS WEBBER: Okay. Commissioner  
20 DiGuilio.

21 COMMISSIONER DI GUILIO: Maybe we all have some of  
22 the similar questions here.

23 I understand, I appreciate the explanation is that  
24 we have this leeway, and based on what Commissioner  
25 Galambos Malloy has chosen, and she's chosen to frame her

1 motion that allows, gives us the opportunity to continue,  
2 and you're saying that's permissible to frame it that way.

3 STAFF COUNSEL JOHNSTON: Correct.

4 COMMISSIONER DI GUILIO: My other question, as an  
5 extension of that, is do we also have that permission if,  
6 at the end of the conclusion of all this, after we have  
7 gone through, would one of us, as a Commissioner, be able  
8 to make a motion as to taking all those things into  
9 consideration, is that also permissible?

10 STAFF COUNSEL JOHNSTON: Yes.

11 CHAIRPERSON FILKINS WEBBER: Commissioner Forbes?

12 COMMISSIONER FORBES: You don't need to call me.  
13 Thank you.

14 CHAIRPERSON FILKINS WEBBER: Commissioner Raya.

15 COMMISSIONER RAYA: Okay. I had the same  
16 understanding that Commissioner Yao did, that a material  
17 deviation, without qualification a material deviation is  
18 the end of the game.

19 And I will -- my preference would be if we're  
20 going to continue, let's just continue. I would ask  
21 Commissioner Galambos Malloy consider withdrawing her  
22 motion, and continue, and then see where we are at the  
23 end. Because, clearly, people still have questions.

24 But if that's not her choice to do so, then I will  
25 not vote for the motion if all we're going to do is move

1 forward.

2 CHAIRPERSON FILKINS WEBBER: Let me chime in. I  
3 haven't done that just myself, either. I will take that  
4 prerogative.

5 In looking at the bid evaluation guide, I concur  
6 with Commissioner Raya and Commissioner Yao that it was my  
7 understanding.

8 It says, "A responsive bid is that which indicates  
9 compliance without 'material deviation.'"

10 So, given the fact that this motion contains the  
11 term "material deviation" I feel that if this motion were  
12 to pass, then we already are finding there has been a  
13 material deviation.

14 So, if there's been a material deviation based on  
15 this finding, as the motion is phrased, then it's  
16 suggestive that this does not constitute a responsive bid  
17 and there would not be a necessity to go further.

18 Now, obviously, we've heard from staff, more  
19 expert in this process than I. But if, I suspect  
20 Commissioner Raya's correct, maybe if there was a  
21 withdrawal, if you really wanted to go through, which we  
22 have the discretion to go through the rest of the bid,  
23 then it may be worthy to consider withdrawal.

24 Or if you think it's a deviation, that might be  
25 another means by which you could consider that you want to

1 mark the record that this constitutes a deviation, but may  
2 not be necessarily a material deviation.

3 Just the way that I evaluate it is once this  
4 motion, if it were deemed passed, you already have made  
5 the finding that this is a material deviation. That's  
6 just how I see it.

7 Commissioner Blanco?

8 VICE-CHAIRPERSON BLANCO: Well, I'm going to take  
9 the staff's interpretation, which is we have the  
10 discretion to decide whether it's sufficiently material to  
11 warrant a failed score, or whether it's a material  
12 deviation that doesn't warrant a failed score.

13 I think it is important, if we do think it's a  
14 material deviation, to -- my sense is that it's important  
15 to vote on that for the record, because we will -- even if  
16 at the end we go through all the items, and we end up one  
17 way or another, it will be important to be able to go back  
18 and see which were the items that we ranked -- rated one  
19 way or another in order to come up with our final decision  
20 on the issue of responsiveness.

21 So, I think that it is important at every step to  
22 note what the Commission thinks is responsive or not  
23 responsive item by item.

24 CHAIRPERSON FILKINS WEBBER: I'll just go with who  
25 I saw first. Commissioner Ward, then Commissioner

1 Aguirre, and Commissioner Yao.

2 COMMISSIONER WARD: I agree with Jeanne, I don't  
3 see the point of marking it and then just moving on, we  
4 should just take it voting on each thing, if the vote just  
5 moves us forward to consider all in the sum total, anyway.

6 And then isn't that a different standard than we  
7 applied to Q2. Because I believe they would have, then,  
8 had the option of having a material issue, as well, that  
9 we -- from what we voted at the time, we would have  
10 probably voted was not a problem, but still a material  
11 deficiency. And we didn't, at least as I understand, have  
12 that option at that time.

13 CHAIRPERSON FILKINS WEBBER: I'm sorry, there was  
14 no finding that --

15 COMMISSIONER WARD: There wasn't a finding of it,  
16 but wasn't there an omission?

17 STAFF COUNSEL JOHNSTON: A deviation.

18 COMMISSIONER WARD: A deviation. A deviation, and  
19 isn't that what we're --

20 COMMISSIONER GALAMBOS MALLOY: Nobody. There was  
21 no motion that was admitted that it was a material  
22 deviation. It was noted that there was a deviation.

23 My motion is to recognize that this constitutes a  
24 material deviation.

25 CHAIRPERSON FILKINS WEBBER: Commissioner Aguirre?

1           COMMISSIONER AGUIRRE: Yes, I think that that  
2 really goes against what I understood, that has already  
3 been stated that once you have a material deviation then  
4 the process stops and then you're done.

5           The alternative to that is to -- is a system that  
6 I used just to keep myself organized, where I ranked all  
7 the potential material deviations from zero to three,  
8 three being the most significant. And this ranked as very  
9 significant.

10           So for me once, in my view, we got to one of the  
11 deviations and it was moved, and there was a majority of  
12 the Commission that voted for that motion as a deviation,  
13 that as Ms. Raya said, the game would stop.

14           So, I'm kind of troubled that we seem to be  
15 changing the process that seemed to have been clarified  
16 earlier, when Chairman Yao asked, very pointedly, if we  
17 get to one majority vote in favor of a deviation, an  
18 identified deviation, then that was it. Then that's what  
19 I understood, I think that's what the Commission  
20 understood. So, I would ask that we hold to that.

21           CHAIRPERSON FILKINS WEBBER: Commissioner Yao?

22           COMMISSIONER YAO: Again, as a matter of process,  
23 we spent a couple hours yesterday going over this bid  
24 evaluation guide, and that was -- even though we didn't  
25 take a vote, that was acknowledged to be the process.



1           And I know this Commission has the latitude of  
2   changing the rules, because we make the rules.

3           And but if we do so, we need to basically negate  
4   the understanding that we had that we were to follow this  
5   bid evaluation guide. If we're not going to follow it or  
6   we somehow interpret it differently, and I did not get  
7   that interpretation when we finished discussion on this  
8   topic yesterday.

9           STAFF COUNSEL JOHNSTON: If I --

10          COMMISSIONER YAO: May I finish?

11          STAFF COUNSEL JOHNSTON: Sure, I'm sorry.

12          COMMISSIONER YAO: And so I don't -- if this  
13   Commission wants to deviate from that, I think we can take  
14   a vote and do so.

15          But I think deviating from it, without voting on  
16   it, I think is problematic in terms of the clarity of the  
17   process.

18          CHAIRPERSON FILKINS WEBBER: Ms. Johnston?

19          STAFF COUNSEL JOHNSTON: I think the confusion  
20   comes because the guide states if it's sufficiently  
21   material to warrant a failed score.

22          You can decide that it's material, but at this  
23   point it's not sufficiently material to warrant a failed  
24   score.

25          COMMISSIONER YAO: May I quote you, quote this

1 document on the first page, under saying "A responsive bid  
2 indicates compliance without material deviation."

3 The word "significant" is not in there.

4 STAFF COUNSEL JOHNSTON: You're correct, it's not  
5 until the second page. And if that's the confusion, we  
6 apologize.

7 COMMISSIONER YAO: Thank you.

8 CHAIRPERSON FILKINS WEBBER: Mr. Claypool?

9 EXECUTIVE DIRECTOR CLAYPOOL: As we discussed  
10 yesterday, and we put that process that Commissioner Yao  
11 is correctly quoting, and I believe that this Commission,  
12 although you can -- you're certainly entitled to deviate  
13 from these rules if I -- I hate to use the word "deviate."

14 But having said that you should, I believe, and my  
15 advice would be look at this as making a decision point by  
16 point.

17 If you believe that this is a material deviation  
18 then you should make that ruling and follow your process,  
19 and not change your process. That would be important.

20 If not, you should -- you should move through the  
21 process as you've agreed to yesterday.

22 COMMISSIONER DI GUILIO: So when you say determine  
23 if it's material deviation, you're saying not just a  
24 significant material deviation, you're saying if it's  
25 determined deemed material deviation, it's failed.

1 EXECUTIVE DIRECTOR CLAYPOOL: It would be an  
2 unresponsive bid.

3 CHAIRPERSON FILKINS WEBBER: The motion as phased,  
4 though, is contrary to the process, so just as a reminder.

5 COMMISSIONER GALAMBOS MALLOY: So, I'm happy to  
6 amend my motion. It was amended the first time based on  
7 the feedback of Ms. Johnston. So, we can go back, I  
8 believe the original motion was to recognize that the  
9 bidder's response to the conflict and impartiality  
10 statement, as materially deviant from what we had  
11 requested.

12 COMMISSIONER FORBES: And I'll second that.

13 CHAIRPERSON FILKINS WEBBER: Any further  
14 discussion from any Commissioner?

15 COMMISSIONER YAO: I guess I need a translation.

16 VICE-CHAIRPERSON BLANCO: I'm just going to speak  
17 as to the substance, not the process.

18 CHAIRPERSON FILKINS WEBBER: Okay. Anything  
19 further, Commissioner Yao?

20 Otherwise, Commissioner Blanco.

21 COMMISSIONER YAO: Is it a material deviation or  
22 is it not a material deviation?

23 COMMISSIONER GALAMBOS MALLOY: My motion is that I  
24 am saying that, yes, it is.

25 COMMISSIONER YAO: Thank you.

1           COMMISSIONER GALAMBOS MALLOY: And that is what we  
2 will be voting on. If it is, you would vote yes. If it  
3 is not, you would vote no.

4           COMMISSIONER YAO: All right. I have it, I'm  
5 clear.

6           CHAIRPERSON FILKINS WEBBER: Commissioner Blanco.

7           VICE-CHAIRPERSON BLANCO: Okay. My biggest  
8 concern here and why I do believe this is a material  
9 deviation, I'm somewhat troubled by the disclosure on --  
10 or the failure to disclose Mr. Levett, but I agree with  
11 Commissioner Ward that it is in the resume and so it's  
12 there. You know, if it -- I am concerned about the lack  
13 of attention to detail coming from somebody that's  
14 applying to be our technical expert on a very technical,  
15 detailed process. But the information's there. So, I  
16 don't think that would be sufficient for me.

17           My concern on the funding, whether it was Rose  
18 Institute, or whether it's the Claremont McKenna  
19 Colleges -- College, is that the section on page 31 notes  
20 that the Institute's operations are funded by a variety of  
21 sources. And this has been said before, but now there's a  
22 motion on the floor.

23           It says that they're funded by endowment, research  
24 projects, donations, from the board of governors, alumni,  
25 and other. And it says, "none of these funding sources

1 represent any conflict with the Institute's proposed work  
2 for the Commission."

3 And then there's absolutely nothing to verify that  
4 statement in the materials.

5 And so, to me, that is very problematic. That's  
6 tantamount to no disclosure at all and, in fact, is saying  
7 take my word for it which, to me, is not in the spirit of  
8 the disclosure requirements that the regs envisioned for  
9 us, and for our important -- for everybody, but especially  
10 for important consultants.

11 We were not allowed to say take my word for it, I  
12 have no conflict. We had to submit financial forms and,  
13 you know, they asked us about every single member of our  
14 family.

15 I worked at an institute at the time, that I could  
16 disaggregate the funds that came to my institute, even  
17 though I was part of the university, because it was also,  
18 you know, clustered in the university.

19 So to me, the fact that the donations are stated  
20 and then there's no disclosure of what they are, but just  
21 a blanket statement is very troubling to me. Because it  
22 shows that there was an understanding that the funds could  
23 potentially pose a conflict, but then it's a conclusionary  
24 statement just saying there's no conflict. And that's not  
25 the spirit of the regulations.

1                   CHAIRPERSON FILKINS WEBBER: Commissioner Raya?

2                   COMMISSIONER RAYA: I want to be sure I understand  
3 what I'm voting on. That as I understand the motion now  
4 is to find that this is a material deviation. Does  
5 that -- you know, in conjunction with that, I mean, is  
6 there like another half to that, a material deviation that  
7 disqualifies this bidder.

8                   Because, you know, that little sufficiently thing  
9 is still floating around out there and that's very  
10 troublesome to me. And so, you know, I want to --

11                  VICE-CHAIRPERSON BLANCO: I understand it to be a  
12 material deviation, that's what I was speaking to.

13                  COMMISSIONER RAYA: Yes, but we have that language  
14 that says "any deviation sufficiently material to warrant  
15 a failed" --

16                  VICE-CHAIRPERSON BLANCO: That's what I'm speaking  
17 in support of. That was my understanding of the motion on  
18 the floor.

19                  COMMISSIONER RAYA: Well, I would like the maker  
20 of the motion to confirm or possibly put that word in  
21 there, if that's what you intend, that it is sufficiently  
22 material to warrant a failed score.

23                  Otherwise, I just feel I'm -- you know, I'm not  
24 sure what I'm voting on.

25                  CHAIRPERSON FILKINS WEBBER: Commissioner Galambos

1 Malloy.

2 COMMISSIONER GALAMBOS MALLOY: So, my  
3 understanding was that if we were to vote as a Commission  
4 that this was a material deviation, that following our  
5 process guidelines on the bid evaluation that the next  
6 step would be failed. Is that correct, based on the  
7 conversation here today?

8 Or I would need to say -- add sufficiently into my  
9 motion.

10 COMMISSIONER YAO: Include it in your --

11 STAFF COUNSEL JOHNSTON: If you were to add it, it  
12 would certainly be clearer.

13 COMMISSIONER GALAMBOS MALLOY: Okay. So, with  
14 that, I will again amend my motion --

15 COMMISSIONER RAYA: It's important.

16 COMMISSIONER GALAMBOS MALLOY: It is important.  
17 It is very important, this is one of the most important  
18 decisions the Commission will make and I appreciate all of  
19 the clarification.

20 So, with that, my motion shall be that the  
21 bidder's response to the conflict and impartiality  
22 statement constitutes a sufficiently material deviation in  
23 order enough to warrant a failed score on the bidder's  
24 proposal.

25 COMMISSIONER FORBES: And my second stands.

1           CHAIRPERSON FILKINS WEBBER: Any further  
2 discussion from any other Commission member?

3           Then the Chair will take -- oh, sorry,  
4 Commissioner Forbes?

5           COMMISSIONER FORBES: Yeah, I just want to make  
6 one comment why I support this motion. I think that, as I  
7 said earlier, the essence of this Commission is  
8 transparency. And I think that's, as Commissioner Blanco  
9 said, you know, our family was involved in our  
10 disclosures. I mean, so -- and we see so much in today's  
11 politics where big money, which we don't know where it  
12 comes from, is used to -- I use the word "manipulate,"  
13 it's kind of a harsh word, but to make this system to  
14 sponsor just certain people. And we never know where that  
15 money comes from.

16           There may be no conflict here, but we can't know  
17 that, and I do not want this Commission to be faced with  
18 some investigative reporter, 30 days down the road, who  
19 investigates the board of directors of the Rose Institute  
20 and finds, oh, my goodness, this person is giving this  
21 much money to XYZ, you know, things.

22           I think that would do great damage to us and do  
23 great damage to the people of California.

24           CHAIRPERSON FILKINS WEBBER: Commissioner Ward?

25           COMMISSIONER WARD: I just don't disagree,



1   horribly, with my friend here, but it just seems to me  
2   like that's a next step argument to me off of, you know,  
3   this issue.

4               Again, I shared, I was equally troubled in the  
5   conflict of interest statement, but upon asking for  
6   clarification that's -- that's where -- and having to take  
7   that and, you know, and evaluate that as well, again, with  
8   the personnel issues, we agreed this was done in -- we've  
9   agreed this proposal, the bid was put together in poor  
10  form, and we've already agreed on that.

11              And the information was in the resumes.  So, I  
12  don't see that as a, you know, omission or a negative  
13  intent in there.  So, to me, you know, it is as acceptable  
14  as prior decisions that were made.

15              And then with his explanation and the statement in  
16  the document that says that a full list of donors would  
17  take longer than the time provided to complete the  
18  proposal, understanding that donations are made.  Of  
19  course they are, I have no doubt about that.

20              But in understanding the clarification that there  
21  might be rules and procedures, and things in place that it  
22  just simply wasn't available.

23              And then with the clarification of -- I mean,  
24  again, it does seem like the additional amendment, amended  
25  explanation to a statement on the form does acknowledge

1     that, you know, donations are made.

2             And then there's further information.

3     Unfortunately, we have to hunt for it.

4             But whether or not, again, I feel this is  
5     disqualifying at this point -- now, again, maybe later we  
6     can argue about the form of it.

7             But if it's disqualifying, I have a problem with  
8     that at this point.

9             CHAIRPERSON FILKINS WEBBER: Commissioner Dai?

10            COMMISSIONER DAI: Yeah, I'm struggling with this  
11     a little bit because I liked the flexibility that we had  
12     there for a fleeting moment.

13            (Laughter)

14            COMMISSIONER DAI: But the public may recall that  
15     I was the one who pushed for a competitive bid, I thought  
16     it was important for the Commission to have that  
17     opportunity to choose.

18            And we've been -- you know, we're forced to use  
19     the rather onerous State contracting process, and I do  
20     think it's important that we follow these rules.

21            As I stated before, my -- my issue was kind of  
22     with the first statement. I appreciated Mr. Johnson's  
23     explanation on the staff.

24            I think that Commissioner Ward's point is well  
25     taken, that the information is there, even if it wasn't

1     stated.

2             I do think that some of these things are kind of  
3     black and white, though. The question about staff  
4     conflicts asked for full disclosure.

5             And it didn't say, you know, has worked as a paid  
6     nonpartisan, you know, that the conflict was serving with  
7     partisan legislative staff. It just legislative staff of  
8     any kind.

9             You can argue whether that's valid or not, but  
10    that's what's in our code right now.

11            So, I do think that one, you know, I'm having a  
12    little trouble with. I think, Assembly Fellow or not, I'm  
13    pretty sure that Mr. Levett was paid and he worked for the  
14    Legislature. So that, to me, was pretty clear.

15            On the donations or funding, I appreciate that  
16    that information was in a different place. I also  
17    appreciate that the bidder's have very little time to put  
18    this together, I'm very sympathetic for that.

19            However, it very clearly says to indicate cash, or  
20    in-kind, even if it were annotated on the side in hand-  
21    writing, next to each of the projects.

22            You know, it just seems like there wasn't an  
23    effort to make this a complete response. And then again,  
24    like said, there's this blanket statement that we're 4--  
25    we need to take it on place that there are no conflicts.

1           And believe me, all of us know that certainly the  
2 Bureau of State Audits didn't take anything on faith. I  
3 mean, they called all of my references, they double  
4 checked, they Google checked us. I mean, they didn't take  
5 anything we said on faith.

6           And I think we're in a very highly-charged  
7 partisan environment right now. We've been told there's a  
8 lot of paranoia going on about what the Commission might  
9 do.

10           Like Commissioner Forbes, I think, you know,  
11 what's important about this Commission is the openness and  
12 transparency.

13           And to me, I feel like this is really core to what  
14 we're doing.

15           And I want to contrast this with the process that  
16 we did yesterday, where we had, you know, two bidders with  
17 partisan ties, that were very, in gross detail disclosed,  
18 so that we could have the discussion.

19           And my concern here is that there's just not  
20 enough information here to even have the discussion, we're  
21 asked to take it on faith. And I'm just not comfortable  
22 doing that.

23           As much as I would have liked to have a little  
24 flexibility to look at the picture in totality, it doesn't  
25 seem like the process will allow us to do that.

1           CHAIRPERSON FILKINS WEBBER: Commissioner DiGuilio  
2 was next.

3           COMMISSIONER DI GUILIO: In looking at this, as I  
4 understand, is we are basically asking whether or not the  
5 bidder is responsive to the questions that were asked.

6           I'm determining whether their responsiveness was  
7 sufficiently material to be a deviation. And the way I  
8 look at it is the donations were not listed where they  
9 were to be -- where they were asked to be listed in terms  
10 of providing us with the level of detail that we would  
11 have an ability at a later point to decide whether it was  
12 responsible.

13           That is a deviation in my mind, a significant one  
14 because it wasn't there.

15           In the areas of conflict there are not -- the  
16 conflicts that are there, at a later point if you wanted  
17 to dig into the resumes, you might have been able to find  
18 them, which they were there, so they should have been  
19 listed. They were not listed, it was a material deviation  
20 because they were not responsive when the question was  
21 asked.

22           One of the things that -- in all the years, I've  
23 had over 10, 15 years worth of grant review in the public,  
24 private, nonprofit area, and also in bidder's workshops,  
25 things to assist individuals when they're submitting their

1 grants and one of the things that's always difficult for  
2 those potential bidders is it's just such a daunting  
3 process.

4           And one of the things I always tell them is just  
5 answer the question. You have to answer the question so  
6 that we have something to base it on.

7           If the question is not answered, it is not  
8 responsive to what we have asked for.

9           Therefore, in a later process I wouldn't be able  
10 to even make a determination.

11           But in this case, in my mind, this bid was not  
12 responsive and it was sufficiently material to be able --  
13 it was enough to be a sufficient material deviation for  
14 me.

15           CHAIRPERSON FILKINS WEBBER: Commissioner Yao.

16           COMMISSIONER YAO: Recall when we first moved up  
17 here to Sacramento and after a month and a half we found  
18 out staff couldn't even buy any Microsoft software for the  
19 computer that they have, that they receive from the State  
20 of California.

21           You have to work in a big corporation in order to  
22 recognize some of the built-in issues that are with  
23 bureaucracies.

24           In the eighties, I worked for the biggest company  
25 in the State of California, at that time it was called the

1 Hughes Aircraft Company, the largest employer in the whole  
2 State. And we encountered bureaucracies that we didn't  
3 understand, but eventually learned to -- as a young  
4 engineer, starting with the company, eventually learned  
5 how to work with it.

6 And in this particular case you're comparing a  
7 very small company, which we approved very early on, that  
8 dotted every I and crossed every T.

9 And now you're looking at a fairly big  
10 institution, the Claremont McKenna College. And if you  
11 basically evaluate it on the same criteria then, clearly,  
12 you're going to find differences. And here we are trying  
13 to decide as to whether these type of differences is going  
14 to be a disqualifying factor for a contractor.

15 Now, I'm not trying to excuse the fact that it  
16 couldn't have been done better, it couldn't have been done  
17 differently, and I am not sense any intent to deceive or  
18 trying to make it difficult for us to evaluate the  
19 proposal.

20 And if we find -- and as we combed through the  
21 details of the proposal, we found the data in there and it  
22 suggests that there's been no attempt to disguise the data  
23 or to disguise this Commission.

24 And if we find this to be material inadequate --  
25 or material, what's the right term, deficient, then I

1 think we're probably using the wrong reason to eliminate a  
2 potential contractor.

3 So I think my message to you is look at the broad  
4 picture. And I would like to have the opportunity to  
5 really look at the totality of the proposal and evaluate  
6 it on its merit. But if we disqualify it too early over,  
7 in this case I definitely would classify it closer to a  
8 technicality, as it is an omission, or disguise or  
9 anything else that some of you may want to suggest.

10 So, I'm going to be voting against the motion.

11 CHAIRPERSON FILKINS WEBBER: Thank you, Commission  
12 Yao. I have been patient, but Commissioner Barabba, we  
13 haven't heard from you and I haven't chimed in, yet.

14 And I appreciate the public's patience. I would  
15 like to hear from Commissioner Parvenu, I can put you on  
16 the list. It's a very important discussion that we're  
17 having here because everyone understands the potential  
18 consequences of this motion.

19 Commissioner Barabba.

20 COMMISSIONER BARABBA: Well, having been in a  
21 reasonably large corporation, myself, if I had to answer  
22 that question, I would have gotten the chief financial  
23 officer to explain why I could not have provided the  
24 information. And I think if that was the case, the chief  
25 financial officer would have been happy to do so.



1           I'm having a hard time voting for this because I  
2 think there's other deviations in this proposal that I  
3 would like to have raised because I think it makes a  
4 stronger case.

5           So, I got to admit, I'm kind of mixed on this one.  
6 But I don't agree that this is a minor event and it could  
7 have been handled much better.

8           CHAIRPERSON FILKINS WEBBER: Commissioner Parvenu.

9           COMMISSIONER PARVENU: Okay. I can't possibly add  
10 more to what's been said already, so I won't rehash some  
11 of the reasons I'm having problems with this particular  
12 proposal, other than the key factor for me appeared on  
13 page 32. In addition to what Commissioner Blanco, and  
14 Ancheta, and others have said before, under sources of  
15 funding, "No sources of funding, other than the CRC are  
16 anticipated."

17           But it's that last sentence, "The Institute's work  
18 and resources are fully funded by the Institute's work" --  
19 which is fine -- "donations and the Institute endowment."

20           And it's been said before, but that's so vague and  
21 I need to know who these donors are, I need to know what  
22 this -- who the contributors to the endowment are.

23           It's vague. So, I won't go at length repeating  
24 some of the same things that were said before, but on the  
25 record I wanted to at least voice my opinion and

1 contribute to the discussion so we all know that I, too,  
2 have problems with this proposal.

3 CHAIRPERSON FILKINS WEBBER: Thank you,  
4 Commissioner Parvenu.

5 COMMISSIONER PARVENU: Could I add one second.  
6 It's one, very quickly.

7 CHAIRPERSON FILKINS WEBBER: Okay.

8 COMMISSIONER PARVENU: This process is so vitally  
9 important that I don't want any surprises to appear later,  
10 so that individuals can question some of the donors and  
11 question whether or not these individuals have some  
12 influence on our line-drawer and it comes as a surprise to  
13 us.

14 So, it's vague and this information -- I'm  
15 repeating what's been said before, sorry for, you know,  
16 belaboring the point, but that really did it for me. I  
17 don't want any surprises down the road, later.

18 CHAIRPERSON FILKINS WEBBER: Thank you. I concur  
19 with Commissioner Yao. I believe that based on the  
20 inquiries that were made by this bidder, the Rose  
21 Institute, and the manner in which we responded to their  
22 inquiries, there was no other manner or means by which an  
23 institution of that size -- well, first of all, the Rose  
24 Institute did not have any conflicts, nor does it have, as  
25 they had identified, "Any funding sources that represent a

1 conflict with the Institution's proposed work for the  
2 Commission."

3           Granted, I understand that we are potentially  
4 putting that on faith, but it is a response to the  
5 inquiry, that was made by the bidder. And it was in  
6 response to an inquiry that was made to Mr. Miller, as he  
7 had clarified earlier.

8           This has been a good faith attempt, based on the  
9 inquiry that was made, so I don't feel that there has been  
10 any lack of good faith in that regard.

11           I also feel that there has been no intentional  
12 failure to disclose. I think we're dealing with an  
13 institution here where the request for information may not  
14 have been satisfactory to an institution such as this.

15           Mr. Johnson has also made a comment that there may  
16 be tax prohibitions for nonprofit organizations to provide  
17 the detailed information that is sought here. Maybe we  
18 needed to see a further explanation in that regard.

19           Commissioner Dai had stated that this is black and  
20 white. But as I recall, during the process of becoming a  
21 Commissioner there were countless, countless e-mails back  
22 and forth as to what constitutes a family member, and what  
23 constitutes disclosure of a family member.

24           To me, I thought a family member was black and  
25 white but, obviously, it wasn't.

1           And so I certainly don't see that this request for  
2 disclosure is black and white. If fellow candidates for a  
3 Commissioner couldn't even figure out what constitutes  
4 family member disclosure, let alone donors of an  
5 institution of this size.

6           Any further comments on this issue?

7           Commissioner Dai?

8           COMMISSIONER DAI: Yes, just to clarify that my  
9 black and white comment was specifically on being a paid  
10 member of legislative staff.

11           There have been a couple comments about the Rose  
12 Institute being part of a large institution and there is a  
13 question in my mind. I tend to agree with Commissioner  
14 Barabba that while this, I think, a very important factor  
15 and certainly constitutes a material deviation in my mind,  
16 that there are other deviations further down the page that  
17 actually worry me some more.

18           And one of the questions that come up, and you can  
19 tell me if I'm out of order here but, you know, there was  
20 a choice, Mr. Johnson had a choice of whether to do it as  
21 part of a large institution or to do it as part of  
22 National Demographics Corporation, which I assume is much  
23 smaller and actually were the ones that were cited as  
24 reference projects.

25           So, I think there was a conscious choice made here

1 as to pick what entity to bid as. And so, that just  
2 raises a whole host of questions in my mind, in  
3 combination with nondisclosure or partial disclosure for  
4 attachment four.

5 CHAIRPERSON FILKINS WEBBER: It appears as if all  
6 Commission members have had an opportunity to discuss this  
7 issue.

8 Mr. Johnson, if you could step away from the  
9 podium, I would like to open it up for public comment on  
10 the motion on the floor, which is whether the deviation  
11 that we have been discussing constitutes a sufficiently  
12 material deviation to warrant failure of this bidder.

13 Mr. Wright, thank you.

14 And again, just real quickly, hands up on anybody  
15 who wants to speak on this motion?

16 We have less -- okay, good. So, basically, we'll  
17 be at five minutes. And Janeece with again keep track and  
18 let you know when you've got a minute.

19 MR. WRIGHT: Thank you, Madam Chair. Jim Wright,  
20 a voter from San Jose, again.

21 I am apolitical. I'm registered Republican, but I  
22 vote whatever way I can. Okay, who makes best sense to  
23 the issue that makes the best sense to me, that's how I  
24 vote. I'm also non-legal. I have no legal training of  
25 any kind whatsoever.

1           And you've been debating a very interesting issue.  
2   Based on the reading of the staff notes, not the bid  
3   itself, okay, I haven't seen the bid, this appears to be a  
4   very sloppy bid. It appears to be quite incomplete.  
5   Nonprofessional comes to mind as a phrase to describe it.

6           The issue of the donors, to me, a large donor,  
7   somebody contributing a large amount of money can very  
8   easily cause a swing in the function, the focus and the  
9   action of an organization. And not knowing those bidders,  
10   not knowing what possible influence they just might have  
11   and, you know, a big if that they might have, is something  
12   that is of great concern to me as a citizen.

13           There appear to be significant and important  
14   omissions of the donors, some obfuscation in an attempt to  
15   hide, perhaps, of information about the people that might  
16   work on it and their potential conflicts.

17           And I agree very loudly with Commissioner Parvenu,  
18   no surprises later. You know, the unknowns are issues  
19   that there are people in the society will jump on and they  
20   could cause all kinds of problems for the Commission  
21   later. I got high hopes for this Commission, please vote  
22   yes on the motion. Thank you.

23           CHAIRPERSON FILKINS WEBBER: Thank you, Mr.  
24   Wright.

25           Another member of the public? Mr. Salaverry, is

1     that correct?

2                   MR. SALAVERY:   Yeah, David Salaverry, from  
3     Berkeley.   I've been listening very carefully and I think  
4     that you've been heading deep into the weeds.   And I think  
5     you're -- it begins to sound like you're trying to undress  
6     the Rose Institute financially, and if they're resisting,  
7     I'm not surprised.

8                   Mr. Forbes just now spoke about his fears of some  
9     type of a -- I guess an investigative reporter finding out  
10    stuff about the Rose Institute.   And it's clear to me that  
11    he's imagining and fearing everything from the point of  
12    view, as I'm trying to make this point, of the left.

13                  And yeah, you know, perhaps The Chronicle, you  
14    know, will find something, et cetera.   But again, the  
15    perspective is skewed towards the perceptions of the left.

16                  And I again want you to consider the perceptions  
17    of the other side, which is that this process begins to  
18    look like a political cavity search and a murder by a  
19    thousand cuts of an institution that is probably, you  
20    know, very -- you know, very grounded in its work and, you  
21    know, very reliable in the product that it turns out.

22                  On a personal level, I watched as Doug Johnson, of  
23    McKenna, and Karin MacDonald, of UC Berkeley, had a, you  
24    know, pleasant conversation during the break, and I want  
25    the public to know that.   That these two people, at a

1 personal level, seem to trust each other and to get along  
2 fairly well.

3 I have come to believe that either of them will  
4 probably provide honest maps and for two reasons. First  
5 of all, because they both have personal integrity and  
6 second of all because there's going to be so many eyes on  
7 this process that, you know, nobody's going to let them  
8 get away with anything.

9 So, again, I want you to please consider the  
10 perceptions of the other side and don't be so tribal in  
11 your politics and tribal in, you know, how you're viewing  
12 these proceedings. Thank you.

13 CHAIRPERSON FILKINS WEBBER: Thank you, Mr.  
14 Salaverry.

15 Any other member of the public? Gentleman in the  
16 back.

17 MR. CHAFFEE: Hello, my name's Chris Chaffee, I'm  
18 from Sacramento. And I just wanted to urge you to vote  
19 yes for the motion.

20 I think your staff has identified 70 deviations in  
21 their report. And these were not technicalities, as many  
22 of you have already noted. And, I mean, just talking  
23 about the issues of disclosure, five of the 17 members, or  
24 almost a third, have worked for elected officials in the  
25 past ten years. And, indeed, some of them for members of



1 the legislature, like you've already noted.

2 Also, the Rose Institute, as this discussion has  
3 been going on for what, over an hour, failed to disclose  
4 their donors. And that might be a legal technicality that  
5 they can use.

6 But I think what's interesting is that Doug  
7 Johnson owns a redistricting firm that's a small business  
8 and he controls those disclosures and who -- and the  
9 information to give it to you so that it's up front and  
10 has the light of day.

11 And I think because this body is supposed to be a  
12 very transparent and open source that people can look to,  
13 and the public, that not disclosing their donors is a  
14 material deviation and is sufficient to fail the bid  
15 outright. So, thank you.

16 CHAIRPERSON FILKINS WEBBER: Thank you, Mr.  
17 Chaffee.

18 Any other member of the public?

19 MR. PAYTON: Good afternoon, my name is Allen  
20 Payton, I'm the Chairman of the Contra Costa Redistricting  
21 Task Force and I'll want to speak later, during the  
22 regular public comments.

23 Specifically on this, am I correct, there's only  
24 been two bidders?

25 CHAIRPERSON FILKINS WEBBER: Correct.

1           MR. PAYTON: Okay. So, from an issue of Solomon  
2 splitting the baby, if there's a way that the two can work  
3 together, so there's the issue away from partisanship from  
4 this Commission. And they both have talents, they both  
5 have abilities and perhaps this Commission should direct  
6 the two to work together and form one bid.

7           CHAIRPERSON FILKINS WEBBER: Thank you, Mr.  
8 Payton.

9           Any other member of the public?

10          MS. ROJAS: Hi, my name is Natalie Rojas. I now  
11 live in Davis, California, but I have been a voter in  
12 Fresno, when I first turned 18, and then also in Santa  
13 Cruz County, so I've been all over the State.

14          Basically, this question is about process and  
15 whether the Rose Institute followed that process by  
16 answering the question in a material sufficient way so  
17 that the Commission, you know, and of course the public,  
18 can make sound decisions in the future for the district  
19 lines. They did not.

20          They choose not to follow the process by providing  
21 enough information for the public and for the Commission  
22 and so I feel that you should vote yes on this motion and  
23 fail the proposal. Thank you.

24          CHAIRPERSON FILKINS WEBBER: Thank you.

25          Any other member of the public that wish to

1 address the Commission, please come forward.

2 And, Mr. Claypool, are we still waiting for  
3 others? Thank you.

4 MR. CAPISTRANO: Hello, my name is Nick Capistrano  
5 and I am a regular voter in the 5<sup>th</sup> Assembly District.  
6 I've been a regular voter since I was 18, so just a little  
7 background.

8 As a part of your IFB the applicants were asked to  
9 disclose any funding that they received in the past ten  
10 years. The Rose Institute flatly refused, stating that  
11 they didn't have time or because another -- but they told  
12 you not to worry because none of their funding sources  
13 represent any sort of conflict with the Institute's  
14 proposed work for the Commission.

15 Which basically, to me, as a member of the public,  
16 that's saying that their judgment should supersede yours.  
17 And does that matter and does it not? It's not my place  
18 to say and neither is it theirs.

19 And this Commission made this IFB for a reason and  
20 it is the responsibility to maintain and protect the  
21 public trust.

22 And in my opinion, the Rose Institute has violated  
23 that trust. And because of that, I would strongly urge  
24 you to vote yes on this -- on this proposal -- I mean, on  
25 this motion, and to reject their bid.

1           CHAIRPERSON FILKINS WEBBER: Thank you, Mr.  
2 Capistrano.

3           Any other member of the public that wishes to  
4 address this Commission?

5           Seeing none, Mr. Johnson.

6           MR. JOHNSON: Thank you. First of all, I  
7 understand what you're looking at and the position you're  
8 in and I'm glad I'm not sitting up there.

9           I do want to emphasize, I'm not asking this  
10 Commission to take these statements on faith. The  
11 Claremont McKenna College is audited, we are fully subject  
12 to the IRS and as an academic institution, our tax status  
13 depends on following those laws, and those laws mean no  
14 advocacy, no partisan intent.

15           You may not know this but, actually, in the 1980s,  
16 the Franchise Tax Board actually investigated Claremont  
17 McKenna and spent a couple of years pouring through the  
18 books. It's actually the only known FTB investigation  
19 that ended with a letter of apology for ever starting it.  
20 They actually admitted that it was started by people who  
21 politically were made at us, and were very powerful,  
22 powerful enough to start an FTB investigation.

23           So, I'm not asking you to take this on faith. I'm  
24 asking you to take this on the belief that the IRS does a  
25 very thorough job of what it does.

1           The other pieces is that we were as responsive as  
2 humanly possible. Keep in mind the timing here. This  
3 proposal came -- or this invitation for bid came out on  
4 Monday. We immediately, within 24 hours, sent in the  
5 question about this item. We saw it immediately and we  
6 said, whoa, you're asking for a ton of information.

7           The response to that came out I think on Friday,  
8 or Saturday. I mean, that's when the answers came out.  
9 And we had to have this in FedEx to the Commission on  
10 Monday.

11           So, to the question of could we have given a  
12 limited list of donors, the biggest donors, the key  
13 projects that was -- you know, that could have been the  
14 answer to our question when we said do you want  
15 everything? And I understand there was misunderstanding  
16 of who we really were and perhaps a misperception of the  
17 answer, but the answer was we need everything.

18           There was no flexibility. If we failed to give  
19 the entire database of every donor at Claremont McKenna  
20 College, then we were not responsive according to -- or we  
21 weren't fulfilling the spirit of the question.

22           So, we gave as much as we possibly could. But let  
23 me be clear, this is a vote to reject us on the fact that  
24 we could not provide an entire database of Claremont  
25 McKenna's donors for the last ten years in 36 hours.

1 Thirty-six hours while we were having a board of trustees  
2 meeting.

3 So, Commissioner Barabba, we had those CFOs -- I  
4 mean, we had to bring the treasurer in from the trustee  
5 meeting, out of town, just to sign this.

6 You know, this would have been -- we were as  
7 humanly -- as responsive as humanly and legally possible.

8 And my apologies, I didn't think this was going to  
9 be as big an issue or I would have brought the legal team  
10 and the development team here to explain all the issues  
11 and laws that go into a request such as this, of an  
12 institution such as Claremont McKenna College.

13 So, I mean, I am happy to provide whatever we can  
14 that would address your concerns.

15 It was -- we provided everything we possibly could  
16 in the maybe 48 hours of the weekend, I think it was  
17 closer to 36 hours that we had to get this back to you.

18 So, if being unable to deliver the college's  
19 entire database of donors in under 48 hours disqualifies  
20 us, then we have to live with that.

21 And why did I bid this as Rose, because this is an  
22 enormous project. I thought it would be useful to have  
23 the resources of the college behind us, that we could draw  
24 on. That's why we bid this as Rose and not as National  
25 Demographics.

1           You know, the idea that you can do this project  
2 with a small business enterprise, that has done less than  
3 one project a year for the last ten years, I don't know  
4 how they would do it. That's part of the reason that I  
5 propose that we join together, especially now that you're  
6 looking at 66 meetings between now and August 15<sup>th</sup>.

7           So that's -- there was no attempt to hide  
8 anything, as one of the speakers just mentioned, by doing  
9 this as Rose, it was an effort to bring to this Commission  
10 the resources that it's going to need to get this job  
11 done.

12           So, I'm happy to provide anything we can.

13           ADMINISTRATIVE ASSISTANT SARGIS: One minute.

14           MR. JOHNSON: I'm happy to provide anything we can  
15 but just, please, as you take this vote remember we got  
16 that answer that we sought clarification on, are you  
17 really asking for everything and, yes, we were all  
18 working -- staff and us were all working so crazy fast it  
19 wasn't perfectly clear in our question or in their answer.

20           But we were told you have, essentially, 48 hours,  
21 over the weekend, to deliver your college's entire  
22 database. We failed to do that. We provided as much  
23 information as we could possibly give you in that length  
24 of time.

25           ADMINISTRATIVE ASSISTANT SARGIS: Thirty seconds.

1           MR. JOHNSON: So, if that disqualifies us, we'll  
2 live with that but, hopefully, we can find a way. Thank  
3 you.

4           CHAIRPERSON FILKINS WEBBER: Thank you, Mr.  
5 Johnson.

6           Mr. Claypool, do we have an ETA of other members  
7 of the public who wish to address the Commission?

8           EXECUTIVE DIRECTOR CLAYPOOL: No, we do not.

9           CHAIRPERSON FILKINS WEBBER: Okay. Any other  
10 members of the public who wish to address the Commission?  
11 Please, come forward.

12          MR. KIRBY: My name is Eddie Kirby, I live in  
13 Sacramento. Actually, I just wanted to mention, you know,  
14 I know that Robert Hertzberg is a member of the board of  
15 directors and that wasn't really mentioned. But I mean,  
16 he was mayor of L.A., influential Democrat, he's probably  
17 raising a lot of money for Claremont.

18          So, you know, I don't know exactly how that plays  
19 in to you guys deciding, but it seems like there's a lot  
20 of research that could be done into who has influence over  
21 what the Rose Institute does.

22          And, you know, because they didn't very easily  
23 list this you guys -- your staff wasn't able to look into  
24 that stuff and you guys aren't really able to make a solid  
25 decision on what influences play. And that goes kind of



1 in contrary to what you guys, you know, as a Commission I  
2 think are trying to do, which is to open up government.  
3 You know, so I just wanted to share that thought.

4 I think that they should -- that you should say  
5 yes on this motion that's been proposed because I think  
6 that they obviously didn't -- didn't seem to care too much  
7 about that core mission of transparency.

8 CHAIRPERSON FILKINS WEBBER: Thank you, Mr. Kirby.

9 Any other member of the public who wishes to  
10 address the Commission on this motion?

11 Seeing none, then we'll bring it back to the  
12 Commission. Ask Ms. Sargis to read back the motion.

13 ADMINISTRATIVE ASSISTANT SARGIS: The motion is  
14 the bidder's response to the conflict and impartiality  
15 statement constitutes a sufficient material deviation and  
16 thus would warrant a failed score of the bid.

17 CHAIRPERSON FILKINS WEBBER: I'd like a roll call  
18 vote, please. This does not require a super majority.

19 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner  
20 Aguirre?

21 COMMISSIONER AGUIRRE: Yes.

22 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner  
23 Ancheta?

24 COMMISSIONER ANCHETA: Yes.

25 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner

1 Barabba?  
2 COMMISSIONER BARABBA: Yes.  
3 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner  
4 Blanco?  
5 VICE-CHAIRPERSON BLANCO: Yes.  
6 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner  
7 Dai?  
8 COMMISSIONER DAI: Yes.  
9 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner  
10 DiGuilio?  
11 COMMISSIONER DI GUILIO: Yes.  
12 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner  
13 Filkins Webber?  
14 CHAIRPERSON FILKINS WEBBER: No.  
15 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner  
16 Forbes?  
17 COMMISSIONER FORBES: Yes.  
18 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner  
19 Galambos Malloy?  
20 COMMISSIONER GALAMBOS MALLOY: Yes.  
21 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner  
22 Ontai?  
23 Commissioner Parvenu?  
24 COMMISSIONER PARVENU: Yes.  
25 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner

1     Raya?

2                 COMMISSIONER RAYA:   No.

3                 ADMINISTRATIVE ASSISTANT SARGIS:   Commissioner

4     Ward?

5                 COMMISSIONER WARD:   No.

6                 ADMINISTRATIVE ASSISTANT SARGIS:   Commissioner

7     Yao?

8                 COMMISSIONER YAO:   No.

9                 ADMINISTRATIVE ASSISTANT SARGIS:   The motion

10    passes, nine ayes.

11                CHAIRPERSON FILKINS WEBBER:   Thank you.

12                As part of our process, pursuant to the bid

13    evaluation, the result of this motion is a finding that

14    there was a material deviation for which the Rose

15    Institute did not provide a responsive bid and, therefore,

16    such constitutes a failure to move forward with the second

17    determination of where we would open the bids.

18                At this point, as I understand it, we would

19    consider opening the bid of the remaining candidate.  Is

20    that correct or does it --

21                EXECUTIVE DIRECTOR CLAYPOOL:   We can certainly

22    open the bid of the remaining candidate, so that the

23    Commission knows that part of the process.  Would you like

24    me to do that?

25                CHAIRPERSON FILKINS WEBBER:   Let's make sure we

1 have clarify of process before we go any further.

2 As I understand it, this is the next and necessary  
3 step that the bid would be opened, and then the Commission  
4 has an opportunity to determine whether the bid  
5 constitutes a responsible bidder, if they possess the  
6 experience, facilities, reputation, financial resources  
7 and are fully capable of performing the contract.

8 Because this is not a circumstance of other  
9 similar State contracting where the remaining candidate  
10 and remaining, you know, bid that's opened, as far as the  
11 cost goes, that there would be an immediate vote for an  
12 award. Am I correct?

13 EXECUTIVE DIRECTOR CLAYPOOL: I stand corrected.  
14 You are correct.

15 CHAIRPERSON FILKINS WEBBER: Thank you.

16 EXECUTIVE DIRECTOR CLAYPOOL: We do need to open  
17 the cost bid and you do need to examine that and make a  
18 decision as to whether you determine that entity to be a  
19 responsible bidder.

20 CHAIRPERSON FILKINS WEBBER: That's correct. So,  
21 we do have -- it's four o'clock, we do have a considerable  
22 amount of time. This is not a circumstance where -- and  
23 the members of the public need to understand this as well.  
24 The prior vote -- and the Commission members need to  
25 understand that, the prior vote does not necessarily mean

1 that an award will be granted to Q2. We need to open the  
2 cost, sealed request, or whatever it was that we had  
3 requested, and make a determination of whether Q2, as the  
4 final bidder, is also responsible.

5 Excuse me?

6 COMMISSIONER ANCHETA: Talking about the size of  
7 this, it looks awfully expensive.

8 (Laughter)

9 CHAIRPERSON FILKINS WEBBER: Let the record  
10 reflect that Mr. Claypool is holding almost a banker's  
11 box.

12 EXECUTIVE DIRECTOR CLAYPOOL: And it's sealed.

13 CHAIRPERSON FILKINS WEBBER: And it appears to be  
14 sealed properly.

15 (Box is unsealed)

16 CHAIRPERSON FILKINS WEBBER: While staff is  
17 opening this, a few Commission members have asked that we  
18 take a brief recess. How about five minutes, so we can  
19 take a bio break, as we've called it before. So, we will  
20 take a recess and have this opened. Thank you.

21 (Off the record at 4:01 p.m.)

22 (Back on the record at 4:15 p.m.)

23 CHAIRPERSON FILKINS WEBBER: We are back in  
24 session of the Citizens Redistricting Commission,  
25 following a brief break.

1           And just to recap, we have now opened the sealed  
2 box from Q2 Data and Research.

3           And the cost -- I want to make sure I'm saying  
4 that -- it hasn't been passed to you, yet. This is the  
5 cost section of the bids, which has been opened and  
6 presented to each Commission member, as we speak.

7           And just for the public's information when -- just  
8 before our recess, when the box was immediately opened, it  
9 contained the -- it appeared to be the CD that was  
10 requested from the respondent, and that CD is -- has been  
11 taken over to the Redistricting Commission's office  
12 headquarters and, thankfully, now that we have control of  
13 our website, is being downloaded is my understanding, as  
14 we speak.

15           So, members of the public that are watching this  
16 will have an opportunity, shortly. And I hope Ms. Sargis,  
17 we'll probably receive confirmation from the office that  
18 it's been downloaded on the web. Okay. Just send them an  
19 e-mail or whatever we need to do.

20           So, we'll take a few minutes. Mr. Claypool, are  
21 there copies for the members of the audience here? No?  
22 Or how are we working that out?

23           EXECUTIVE DIRECTOR CLAYPOOL: There are some  
24 copies, I will distribute them the best I can.

25           CHAIRPERSON FILKINS WEBBER: Okay. So, the

1 Commission members will take an opportunity to review  
2 this, themselves, and members in the audience here can  
3 maybe share or pass it around.

4 Mr. Claypool and Mr. Miller, I have a question  
5 that was raised by Commissioner DiGuilio, as well, and I  
6 wondered, is there to be a determination or is that  
7 expected by the Commission as we're reviewing it, that the  
8 cost portion is a technical component of the responsive,  
9 or is it?

10 I mean, do we need to look at those factors of Q2  
11 that staff recognized could not be previously verified and  
12 then determine that they have been verified with the  
13 information that's presently been submitted? Do you know  
14 what I mean?

15 EXECUTIVE DIRECTOR CLAYPOOL: Okay. Yeah, from  
16 the original -- from the original document that we gave  
17 you, there were two portions that spoke to cost, is that  
18 what you're --

19 CHAIRPERSON FILKINS WEBBER: Yes. For instance,  
20 on the evaluation, page 5, the bidder cost worksheet says,  
21 for instance, not verified, yet.

22 So, for completeness sake of our evaluation of  
23 this bidder, do we need as a Commission, or will staff be  
24 confirming that -- that that's been complied with, I  
25 guess, satisfactorily, based on the fact that I've never

1 opened a cost before.

2 EXECUTIVE DIRECTOR CLAYPOOL: It should -- it  
3 should be confirmed. We have Raul Villanueva has gone  
4 over to the office. We're going to bring him back and he  
5 would be the one that would have the most specific  
6 knowledge to ensuring that we've met the requirements.

7 CHAIRPERSON FILKINS WEBBER: Okay. And he's on  
8 his way back?

9 EXECUTIVE DIRECTOR CLAYPOOL: As soon as we can  
10 send him that text.

11 CHAIRPERSON FILKINS WEBBER: Thank you.

12 EXECUTIVE DIRECTOR CLAYPOOL: Thanks.

13 COMMISSIONER YAO: Chairperson Filkins Webber?

14 CHAIRPERSON FILKINS WEBBER: Yes.

15 COMMISSIONER YAO: I'd like to go ahead and make a  
16 motion that we consider Q2's responsive portion of the  
17 proposal to be fully in compliance.

18 CHAIRPERSON FILKINS WEBBER: Does anyone question  
19 that or would --

20 COMMISSIONER YAO: Based on the data that I've  
21 received, I don't believe we necessarily need a staff  
22 report to confirm the fact that they have met all the cost  
23 input.

24 COMMISSIONER FORBES: I'll second that motion.

25 CHAIRPERSON FILKINS WEBBER: I don't know that



1 it -- I wasn't certain it needed a motion, unless there  
2 was some other question or concern of any other Commission  
3 member prior to verification of staff, who's been working  
4 with DGS.

5 If everyone feels confident that it's been  
6 responsive, I don't know that it needs a motion but --

7 COMMISSIONER DI GUILIO: My only concern -- it's  
8 not a huge concern, I -- by looking at it, it seems to be  
9 quite complete.

10 I just don't know, on a technical matter, whether  
11 there was -- you know, was there supposed to be a cover  
12 sheet, or signature, or things like that. I just -- it  
13 may not be -- it may be a slight deviation, but I just  
14 would like to dot our I's and cross our T's. We were  
15 talking about process.

16 I would rather err on the side of being slightly  
17 redundant, that's my two points.

18 CHAIRPERSON FILKINS WEBBER: For the members of  
19 the public, I have confirmation that the cost bid is  
20 posted online, so they may review it as we are, at this  
21 time, in real time.

22 COMMISSIONER DAI: Mr. Claypool?

23 EXECUTIVE DIRECTOR CLAYPOOL: Yes.

24 COMMISSIONER DAI: Can I get clarification?

25 EXECUTIVE DIRECTOR CLAYPOOL: Okay.

1           COMMISSIONER DAI: On the number of input  
2 hearings, plus Commission meetings, I think we're going to  
3 need to take the option, is that correct, because the base  
4 cost includes 18 public input hearings and ten Commission  
5 meetings.

6           EXECUTIVE DIRECTOR CLAYPOOL: Yes. And in fact,  
7 when we asked for the optional, the additional hearings,  
8 we will -- for the Commission meetings, we will be  
9 expanding that number because we've looked -- we've  
10 looked, after talking with different individuals, who are  
11 familiar with this process, and you'll see that there are  
12 far more than the 20 meetings that we had originally  
13 proposed, I think it's closer to 26.

14           So, we will be using the optional per-meeting cost  
15 to work with the -- work with whichever bidder because --  
16 that is awarded this, if it's Q2, or whomever, and we'll  
17 expand into that.

18           And then we also will have the -- this will be the  
19 total number for the actual input hearings, the ten,  
20 because it was 18 plus ten is the 30 -- or, actually, 20.

21           COMMISSIONER DAI: Twenty-eight.

22           EXECUTIVE DIRECTOR CLAYPOOL: Actually, it was --  
23 yeah, it was 28 and the ten makes 38.

24           COMMISSIONER DAI: Okay. So, and I believe the --

25           CHAIRPERSON FILKINS WEBBER: I'm sorry, I think

1 I'm not with you just yet, I just want to make sure I'm  
2 with you. Because I don't recall, and correct me if I'm  
3 wrong, was there any outline?

4 That's where I'm a little confused when it says  
5 the optional cost would include ten additional, but I  
6 don't know what's included in the total fixed cost. So,  
7 is that what you were just giving, that's 28 for --

8 COMMISSIONER DAI: If you look on page 4, under  
9 fixed costs, in that paragraph, it says it includes 18  
10 public input hearings and ten Commission meetings, and  
11 that was in the original bid, that's what they were asked  
12 to bid on.

13 And then we asked for an option, because we  
14 weren't sure how many we were going to do, and it looks  
15 like we're going to have to take the option because we  
16 want to do pretty broad outreach.

17 COMMISSIONER DI GUILIO: What's the number, we are  
18 at 38 outreach and how many --

19 COMMISSIONER DAI: Twenty-eight --

20 EXECUTIVE DIRECTOR CLAYPOOL: Well, this would  
21 take us to 28. We will have to expand the contract to an  
22 additional ten, using the option cost, to get us to our  
23 38.

24 COMMISSIONER DI GUILIO: And for Commission  
25 meetings, the total that we would ultimately look at,

1 because this is for ten.

2 EXECUTIVE DIRECTOR CLAYPOOL: Right. And then --

3 CHAIRPERSON FILKINS WEBBER: No, I'm sorry, that's  
4 not necessarily correct. This says 18 only, of public  
5 input hearings, only 18.

6 COMMISSIONER DAI: Correct.

7 CHAIRPERSON FILKINS WEBBER: And this cost  
8 analysis is separating the Commission meetings.

9 Now, I'm wondering, and it's not clear because on  
10 our calendar we do have some input hearings that flow into  
11 Commission meetings on the same day, which might be a  
12 little problematic.

13 But, so as I read this, it's 18 public input  
14 hearings. And in comparison to what we're considering  
15 right now, it's only 18, only.

16 So then we would have to add the additional ten to  
17 even get to 28, first.

18 COMMISSIONER DAI: Correct.

19 EXECUTIVE DIRECTOR CLAYPOOL: Absolutely.  
20 And then we're going to -- we're going to need an  
21 additional ten.

22 Now, in our budget right now -- in our budget  
23 right now we have the 500,000 for this contract, and then  
24 we have an additional 200,000 that we used on contingency.  
25 So, that was the original -- we had originally talked

1 about having a budget of 750, but then when we redid the  
2 budget we wanted to have it based on 500,000, and then we  
3 asked them for the option cost.

4 The reason we went with the 18 and the 10 was  
5 because we wanted to be able to compare apples with apples  
6 when we had -- when we had different contractors here, but  
7 still have the flexibility to expand into the additional  
8 meetings that we were planning, because we couldn't be  
9 certain how many there were or that there would be.

10 So, when you look at this bid, we will get all of  
11 our -- we will get 28 of our Commission hearings and I  
12 believe virtually all of our -- or 28 of our public input  
13 hearings, and virtually all of our Commission hearings in  
14 this quote. And then we're going to have to add in an  
15 additional ten meetings. But at this per-meeting cost,  
16 it's still not going to go anywhere near the 700,000 that  
17 we have in our budget to do this with.

18 COMMISSIONER DAI: Right.

19 EXECUTIVE DIRECTOR CLAYPOOL: But we would still  
20 maintain that 700,000 in our budget against the  
21 possibility that there would be more meetings. As  
22 Commissioner Yao has pointed out, and accurately so, if we  
23 get down to the end of this process and we need to have  
24 more meetings, we need to have the funding for them.

25 COMMISSIONER DAI: And the other thing I wanted to

1 point out, for the benefit of the Commission, I believe  
2 that the Commission meetings were originally envisioned to  
3 all happen in Sacramento, and that looks like that may not  
4 be a reasonable assumption moving forward, as we try to  
5 combine them, so we're all in the same place at the same  
6 time. So, there may be some additional travel cost, but  
7 it's not going to be a material difference.

8 EXECUTIVE DIRECTOR CLAYPOOL: Chairman --  
9 Chairperson, can I --

10 CHAIRPERSON FILKINS WEBBER: Yes.

11 EXECUTIVE DIRECTOR CLAYPOOL: Another thing, we  
12 had said in that calendar that we gave you that everything  
13 was in Sacramento.

14 Now, if we presume, and I'm only presuming, that  
15 Q2 is awarded the contract, it may very well be a wiser  
16 place to meet to be in the Bay Area. It has the same  
17 transportation system, but it is where they're set up.  
18 There could be, you know, just an ease of operation there.

19 But we can certainly meet anywhere this Commission  
20 wants, but I just wanted to say that that Sacramento,  
21 that's written in there, isn't chiseled in stone.

22 We are looking at some venues here that would be  
23 not as nice as the venues we've been provided so far, but  
24 in -- or should I say regal. But they would certainly be  
25 more media friendly for us, including McGeorge Law School.

1           So, once the Commission makes a decision as to  
2 where it would like to meet with its line-drawer, when  
3 that's all we're doing, then we would be prepared to move  
4 forward for a location there.

5           CHAIRPERSON FILKINS WEBBER: At this time do any  
6 of the other Commission members have any questions  
7 regarding the cost? And we'll get more to further  
8 process. So, at least while everyone's looking, does it  
9 look like anybody has any urgent questions?

10          Just as a reminder -- excuse me -- at this point  
11 we are in the second phase, essentially, of making a  
12 determination. Unlike other bids, where at least as I  
13 understand it, you know, it would automatically be  
14 awarded, this is a process where we have an opportunity to  
15 determine if the bidder is now considered a responsible  
16 bidder based on the cost analysis that has been provided.

17          In particular, the bid evaluation guide that we  
18 went over yesterday, I will reiterate for the members of  
19 the public that may not have it before them, or other  
20 Commission members that may not have it before them, we  
21 now in this phase consider whether the bidder is  
22 responsible, if they possess the experience, facilities,  
23 reputation, financial resources, and are fully capable of  
24 performing the contract.

25          So, now we can take a look at the -- based on the

1 bid that was submitted whether based on the cost that we  
2 have in front of us, this is a responsible proposal from  
3 this bidder, based on experience, facilities, reputation,  
4 financial resources. And, again, whether they are fully  
5 capable of performing the contract.

6 So, I would like to open the floor up to the  
7 opportunity of any Commission member to address this  
8 second aspect of this bid.

9 And let me get to my paper so I can write down  
10 everybody's --

11 COMMISSIONER DI GUILIO: Can I just as a point of  
12 clarification?

13 CHAIRPERSON FILKINS WEBBER: Sure.

14 COMMISSIONER DI GUILIO: We are looking at both  
15 the cost and the original proposal at this point.

16 CHAIRPERSON FILKINS WEBBER: Yes, you can go --  
17 yes, it's opening it up. We don't want to get back into  
18 the material deviation and the things that might have  
19 been -- in fact, there wasn't anything pointed out as far  
20 as the deviation with this contract. So now we're looking  
21 at it more substantively in a determination based on the  
22 cost that has been presented to us, if you feel that the  
23 bidder is fully capable of performing the contract in  
24 total.

25 So we have been provided this opportunity, through



1 recognition of the Department of General Services and the  
2 Legal Services Division of the Department of General  
3 Services to consider this bidder more fully.

4 COMMISSIONER ANCHETA: So, I did have a question  
5 regarding process, and I think Ms. Johnston -- Raul or  
6 Mrs. Johnston said, but I just want to get some  
7 clarification.

8 Because it sounded like when we were doing the  
9 first stage that we really had to limit ourselves to the  
10 four corners of what was in the bid, right. And I took  
11 it -- I took it somewhat to say that we could look beyond  
12 that in terms of other data or other information beyond  
13 what was in the bid, itself, or in the evaluation. Is  
14 that correct?

15 EXECUTIVE DIRECTOR CLAYPOOL: That is correct.  
16 And I'm a far cry from Ms. Johnston, because she's far  
17 more knowledgeable. However, this is the portion where  
18 you can branch out and take those things into  
19 consideration with regards to the totality of the bid, not  
20 necessarily just what was placed in the bid, itself.

21 COMMISSIONER ANCHETA: So, if I can just continue  
22 then, and this is another clarifying question that others  
23 have, so I'll just go to this.

24 So, since we're looking, we can look maybe a  
25 little bit further in terms of the bigger picture, one

1 issue that I've always had with Q2 is sort of identity  
2 questions and the relationship between Q2 and the  
3 Statewide Database, and the Redistricting Group.

4 And my major concern is resources and the ability  
5 of the Q2 team, given the identify issues here, that they  
6 run the Statewide Database, or they work at the Warren  
7 Institute.

8 I believe Ms. Henderson, for example, is also a  
9 PhD student at Berkeley.

10 Whether, given all of those responsibilities, and  
11 I don't know what's getting -- what's happening in terms  
12 of all those other things, that's not in the bid, whether  
13 they can do all the work?

14 I have full confidence in their ability to do it,  
15 if they have the time to do it. But I'm not entirely  
16 clear, given what we know are other responsibilities.  
17 Certainly, the Statewide Database is clearly a large  
18 responsibility.

19 That in terms of being responsible that they can  
20 do it, that's been my biggest question, biggest set of  
21 concerns.

22 CHAIRPERSON FILKINS WEBBER: On a process question  
23 are we permitted in this portion of the consideration of  
24 the bid to ask for further clarification from the bidder?  
25 Mr. Miller or Mr. Claypool?

1           LEGAL COUNSEL MILLER: In the same manner that we  
2 sought clarification previously, we should pursue that  
3 approach.

4           CHAIRPERSON FILKINS WEBBER: Okay, thank you. Mr.  
5 Ancheta, would you like to address Ms. MacDonald for  
6 further clarification on the bid?

7           COMMISSIONER ANCHETA: If she --

8           CHAIRPERSON FILKINS WEBBER: She is here.

9           COMMISSIONER ANCHETA: If she heard my concerns, I  
10 don't have anything to add to it.

11          CHAIRPERSON FILKINS WEBBER: She may not have been  
12 paying attention, I'm sorry.

13          (Laughter)

14          CHAIRPERSON FILKINS WEBBER: Ms. MacDonald, will  
15 you please approach the Commission so that Mr. Ancheta can  
16 clarify his question.

17          COMMISSIONER ANCHETA: Well, I'll repeat my  
18 question.

19          So, you're heading the Statewide Database.

20          LEGAL COUNSEL MILLER: I'm sorry, could I --

21          COMMISSIONER ANCHETA: No, go ahead.

22          LEGAL COUNSEL MILLER: Just go ahead and finish  
23 your question and then I'd like to interject.

24          COMMISSIONER ANCHETA: And I'm only repeating this  
25 if you didn't hear it earlier.

1 MS. MAC DONALD: I did hear it.

2 COMMISSIONER ANCHETA: Okay. Well, then go ahead,  
3 how do you respond to that?

4 LEGAL COUNSEL MILLER: And if you could refer to  
5 your submission and augment and explain that portion of  
6 your submission regarding that capacity to do the work.

7 MS. MAC DONALD: I can do that. Thank you. Yes,  
8 we wear a lot of hats and a lot of redistricters, as few  
9 of us as there are, actually, wear a lot of hats.

10 As you saw from our documents, all of us have done  
11 consulting work outside of the work that we do regularly,  
12 when there is neither, you know, EAC contracts going on,  
13 or redistricting work to be done. So, we're quite used to  
14 that.

15 I can assure you that I grilled every single  
16 member of this team and there were actually a couple of  
17 members that ended up not being part of the proposal  
18 because we did not think that they would have the time,  
19 basically, and the resources. Because we're also talking  
20 about childcare and things like that, because we're going  
21 to be on the road a lot if we -- you know, if we're going  
22 to get this contract.

23 So, we looked at this in detail and grilled each  
24 other and figured out, you know, who would cover the  
25 meetings and all this.

1           And again, as I've stated before, I haven't had  
2 time to take any vacation time, so as soon as the data are  
3 out -- you know, basically, we're in the process, we just  
4 got the Census data, as you know, the PL94171 was just  
5 delivered.

6           So, the next couple of weeks are going to be  
7 pretty busy for us as I'm, you know, fielding a lot of the  
8 counties' questions that deal with geography,  
9 inconsistencies, and whatnot, and I have lots of them.

10           I've been, you know, working diligently to get all  
11 of that off my plate. I have done -- you know, I've  
12 worked with you before and I've been, you know, available  
13 on the spur of the moment, so you know that that is  
14 definitely something that I can deliver.

15           And the same is true for my team. We delivered a,  
16 I thought, pretty substantial piece of work in terms of  
17 this bid, with a small business, in a very, very tiny  
18 amount of time, with no resources of a large institution  
19 behind us. So, it was difficult to do, but we can do it.

20           So, I would not have submitted this bid had I not  
21 thought that we were all completely capable of meeting  
22 these time commitments.

23           CHAIRPERSON FILKINS WEBBER: Thank you, Ms.  
24 MacDonald.

25           COMMISSIONER ANCHETA: Yes, thank you.

1           CHAIRPERSON FILKINS WEBBER: I'll put you in line.

2           Commissioner Dai?

3           COMMISSIONER DAI: Yeah, I just wanted to ensure  
4 that that included the optional part, since it looks like  
5 we have an additional option on top of that option that  
6 may be required?

7           MS. MAC DONALD: Correct. We actually did look at  
8 the optional part, and that is something -- the optional  
9 ones that we bid on is actually something that we figured  
10 out we could do within this particular staff.

11           If there are additional optional, optional  
12 optional meetings, then we may actually go back to those  
13 two staff members that had told us they could only work  
14 work part-time and ask them whether they are going to be  
15 available to do some of those, and help out.

16           And we would, of course, give you the resumes and  
17 make sure that they are approved by you, and that they go  
18 through the exactly same process.

19           And I will just say that whoever I would put onto  
20 this project has the same basic qualifications that  
21 anybody else has. So, there is not going to be anybody  
22 who hasn't had a mouse with, you know, a redistricting  
23 mapping program on the screen. That's just not going to  
24 happen.

25           These people all have statewide experience, and

1 they all have data experience, and they all know how to  
2 map.

3 COMMISSIONER DAI: Thank you.

4 CHAIRPERSON FILKINS WEBBER: Commissioner Yao?

5 COMMISSIONER YAO: The option option option. We  
6 don't even know what they are at this point in time. As  
7 you may notice, that when we tried to pin down the  
8 outreach meeting, or the input meeting, it was still -- it  
9 was still debating to whether it's all weekday, weekends  
10 and it took us hours of discussion before we can reach  
11 concurrence on the first two weeks in April.

12 So, with those -- I know you bid on a different  
13 set of statement of work, as compared to what's facing  
14 you, are you -- have you been watching those input days  
15 and have you -- do you think, do you feel you can respond  
16 to us on these very uncertain and changing demands?

17 MS. MAC DONALD: Absolutely. And I appreciate the  
18 question. I think what you see from our references, and  
19 also the two reference projects that we've presented to  
20 you is that we're extremely responsive, and that's really  
21 why I think those projects went that well.

22 And in San Francisco I think, even the  
23 commissioner noted that we probably didn't sleep, and I  
24 tell you we didn't. I don't know how we did it, but we  
25 really didn't.

1           And I am fully prepared. I mean, I always tell  
2 people, you know, when you're in redistricting you sleep  
3 in the years ending with four through eight, roughly, you  
4 know. And better get a good vacation in, in the year  
5 ending with nine and then, you know, cancel all of your  
6 appointments, dates and movie schedules.

7           COMMISSIONER YAO: Thank you.

8           CHAIRPERSON FILKINS WEBBER: Thank you. Any other  
9 Commission member have any questions of Ms. MacDonald?

10          Thank you, Ms. MacDonald.

11          Any further discussion regarding the experience,  
12 reputation, financial resources, or capability of  
13 performing this contract in order to determine whether Q2  
14 is a responsible bidder?

15          Commissioner DiGuilio?

16          COMMISSIONER DI GUILIO: I just wanted to make  
17 just a brief comments in regards to that in reading this  
18 proposal I appreciated -- I should say, I -- within the  
19 scope of work, I liked how the proposal was broken down  
20 into a clear understanding, for me, as to how the bidder  
21 envisioned undertaking these actual line drawings in  
22 relationship to the meetings.

23          And I think it was mentioned earlier by Ms.  
24 Johnston, assigning an individual staff member to a  
25 region, which I think is a wonderful access point for the



1 public to have a familiar face.

2 I felt that that element, as well as a few others,  
3 it was very clear for me to understand what was being  
4 presented and, therefore, I could make some -- a judgment  
5 as to whether I thought that would meet our needs.

6 I was appreciative of how well it was laid out  
7 and, particularly, I -- again, I like the way it's  
8 structured in terms of the actual regional approach and  
9 the justification for why certain individuals had more, or  
10 large regions, and based on population. And I think  
11 that's a very feasible thing for Q2 Data and Research to  
12 undertaken, and it would meet our needs and still provide  
13 the public a good access point.

14 CHAIRPERSON FILKINS WEBBER: Thank you. Any other  
15 Commissioner?

16 Oh, Commissioner Blanco?

17 VICE-CHAIRPERSON BLANCO: I would like to hear a  
18 little bit more, we really haven't talked about that  
19 regional approach. And I was also struck by it. I mean,  
20 it seemed to address some of the concerns we had about how  
21 to remain responsive to regions when we would be going in  
22 and out, you know, and then coming back.

23 And I just wanted to hear a little bit more, I  
24 think, about that and how then that all gets amalgamated  
25 into one body of information, if Ms. MacDonald could talk

1 about that.

2 Because I like it, but I'm just wondering how it  
3 all comes back together.

4 MS. MAC DONALD: Thank you. So, yes, when I  
5 looked at this, really, I mean I looked at it as a  
6 problem, right. So, you have a problem of time  
7 constraints, lots of input, multiple district layers. And  
8 there was also a financial constraint, obviously.

9 I mean, as I said to Mr. Claypool earlier, had you  
10 put a one in front of the bid, you would have had many  
11 more bidders. You know, there would have been some  
12 national firms, probably, bidding on this.

13 And depending on, you know, what your resources  
14 and all of those constraints are, you have to figure out  
15 just the best way, just with any other project that you  
16 do. You look at the best way to approach that to do the  
17 best possible job that you can.

18 So, we decided that the best approach would be to  
19 have four mappers, basically, that are responsible for  
20 roughly a quarter of the State. So, each mapper is going  
21 to be responsible for drawing each level of districts. So  
22 there will be 80 SD, Board of Equalization and  
23 Congressional districts, right.

24 We felt that when the public input comes back and  
25 the direction comes back from you, that mapper could be

1 much more responsive to questions from you, suggestions  
2 from you. If that mapper is sitting here, for example,  
3 and you have a question about whether in this particular  
4 Congressional district can you move the city in there and  
5 then will that particular city -- you know, will that  
6 cause some sort of a ripple effect, can we do X, Y and Z.

7 Because that mapper is going to become -- thank  
8 you -- that mapper is going to become an expert on that  
9 particular area, the responsiveness of that expert to  
10 quick changes, which I'm sure will have to made, and to  
11 questions from you will just make that mapper more  
12 responsive.

13 And I think there's going to be a much better  
14 public record on what actually was done in that particular  
15 area because you don't have a lot of handoffs.

16 Now, when we were doing the statewide plans for  
17 those two statewide redistricting projects that I  
18 supervised for California, the Academic Projects, right,  
19 we used a different methodology and tried it out.

20 We basically had people drawing just whole entire  
21 states. And we also had part-time staff. And I can tell  
22 you that that did not work very well because people were  
23 not as knowledgeable about what they were doing, because  
24 they had to familiarize themselves with the entire State,  
25 rather than just with a quarter of the State, which is a

1 whole easier to do. And it's just quicker, especially  
2 during this time constraint area, right.

3 And there were also the errors would go up because  
4 we had part-timers that couldn't really focus on it.

5 So, what we did is we basically picked people that  
6 can really dedicate their time to those quarters.

7 And the one back draw of doing, you know, quarters  
8 of California is that it requires more management.  
9 Because somebody has to stand there and basically figure  
10 out where the handoffs are, okay.

11 Because you can't just take a quarter and just  
12 say, okay, we're going to draw that line in the same  
13 place, because you have population equality, obviously,  
14 you have all these redistricting criteria, and you have  
15 different ideal populations, depending on the district  
16 level that you're dealing with.

17 So, you have to have somebody there who basically  
18 just makes sure that the two people that are working on  
19 bordering regions -- and I call them just regional  
20 coordinators -- are communicating properly so that that  
21 handoff can happen.

22 And we've tried it out, just because I wanted to,  
23 you know, make sure it really worked. We've done some  
24 exercises and it works.

25 And does that answer your question?

1 VICE-CHAIRPERSON BLANCO: It does, thank you.

2 CHAIRPERSON FILKINS WEBBER: Thank you. Just a  
3 brief interruption, if you'll pardon me. I failed to  
4 mention to the members of the public that are here is that  
5 the Capitol closes at 5:00.

6 So, as long as you're inside we are still going to  
7 go, and I have no idea how long we will go. But just keep  
8 in mind if you would like to remain for public comments  
9 when we can get to them, which we will get to them today,  
10 just be certain not to leave the building after 5:00  
11 because you will not get back in.

12 So, I apologize for that. I'm trying to run the  
13 meeting and dig into this material at the same time.

14 So, any other Commission members have any requests  
15 for clarification for Ms. MacDonald? I don't need -- you  
16 can stay here, Ms. MacDonald, I'm certain somebody will --  
17 I don't want to keep you coming back and forth.

18 I might have a few questions in a moment. But  
19 Commissioner Aguirre?

20 COMMISSIONER AGUIRRE: Yes. Hi, Karin. Within  
21 the Outreach Committee, you may or may not be aware that  
22 we've been -- we've been setting up a calendar that  
23 includes quite intense scheduling during the coming  
24 months. I mean, quite aggressive, actually. And within  
25 that, part of the question was, you know, how much of an

1 emphasis do you put on weekends? How intensively do you  
2 target Section 5 counties? How many times do you go back  
3 there? What are the considerations in terms of  
4 translation, availability, and all that?

5           Could you kind of like talk around Section 5 and  
6 where that fits within the schedule? Do you try to hit it  
7 at least two times, three times?

8           MS. MAC DONALD: Well, I would most certainly  
9 place a particular emphasis on Section 5 counties, and  
10 I've discussed this with Ana. And I will make sure Ana is  
11 here the next time, perhaps when you're discussing this,  
12 so that she can help you prepare a proper plan, because  
13 she is the expert on Section 5, because she's worked on it  
14 extensively.

15           Part of Section 5 is definitely that you have  
16 sufficient opportunity for the communities there to  
17 provide input.

18           COMMISSIONER AGUIRRE: Right.

19           MS. MAC DONALD: So, I would absolutely encourage  
20 you to start early. Most of the -- there's three Section  
21 5 counties that are actually in one of the regions, the  
22 way I've broken up the regions for the mappers. So, you  
23 know, I wouldn't be opposed to -- if I'm being asked, I  
24 wouldn't be opposed to going there quite frequently, and  
25 most certainly make sure that we're close to those

1 counties whenever there's regional outreach. You know,  
2 maybe place some of the meetings there.

3 So, I think the more the better.

4 COMMISSIONER AGUIRRE: Right.

5 CHAIRPERSON FILKINS WEBBER: So, I'm sorry,  
6 Commissioner Ancheta.

7 COMMISSIONER ANCHETA: A related question, because  
8 we are looking at overall cost savings, of course. So,  
9 you know, we just hired our Voting Rights Act counsel  
10 yesterday, and we're trying to keep -- we're trying to  
11 lower those costs if we can.

12 So, I wasn't just -- and this may be in the bid,  
13 but we're trying to sort of, as much as possible, I guess  
14 try to minimize some of the expenses to that counsel in  
15 terms of attending meetings.

16 So to the extent that you've outlined Ms.  
17 Henderson as a team player -- or member of your team, and  
18 I wasn't -- I'm not clear exactly how many meetings she  
19 would be attending. Because in the overall, in the big  
20 picture that could save us some money so Gibson Dunn  
21 wouldn't have to be there, but they could get -- the could  
22 be in conversation with Ms. Henderson. So, how does that  
23 work with you?

24 MS. MAC DONALD: I think I should clarify that.  
25 Ana Henderson is not really a member of the team as an

1 attorney, okay. So, she's not --

2 COMMISSIONER ANCHETA: Oh, no, I don't necessarily  
3 expect her to play the role, because that's what we have  
4 Gibson Dunn for.

5 MS. MAC DONALD: Yes, you're getting a little  
6 extra experience, yes, as part of Ana's participation.

7 COMMISSIONER ANCHETA: But the --

8 MS. MAC DONALD: And --

9 COMMISSIONER ANCHETA: But to the extent that,  
10 again, not playing the role of attorney at the meeting,  
11 but to the extent that she is an informed and  
12 experienced -- has a legal background and is aware of many  
13 of these issues, and could convey some of that information  
14 to the counsel -- I guess I'm asking how much is she going  
15 to be going to the meetings because it might, in fact,  
16 save us a little bit of money with Gibson Dunn going to  
17 all the meetings if we had her reporting back what's going  
18 on.

19 Although, again, there may be certain meetings of  
20 the Section 5 counties where everybody ought to be there,  
21 or the statewide meetings, everybody should be there.

22 But there may be a lot of meetings where we  
23 wouldn't need Gibson Dunn to go there because Ana would be  
24 able -- again, not playing attorney --

25 MS. MAC DONALD: Uh-hum, right.



1           COMMISSIONER ANCHETA:  -- but simply would be able  
2 to spot the issues and convey that information.  This is  
3 the work between the consultant and the attorney, of  
4 course.

5           So, I'm wondering if your team covers some of the  
6 things where we might have asked counsel to go just to  
7 listen in?

8           MS. MAC DONALD:  I definitely had the conversation  
9 with Ana about covering as many of the Section 5 county  
10 hearings and meetings as possible.

11           We haven't looked at the calendar to see whether  
12 or not she will be going to all of them, or how many of  
13 them.  So, I think she and I, because it's going to be  
14 either her or me that's going to be at one of every  
15 meeting, really.

16           So, you know, Ana has a kid, I have dogs, so we --

17           (Laughter)

18           MS. MAC DONALD:  -- so we juggle -- we juggle  
19 these things between dog sitters and baby sitters.

20           COMMISSIONER ANCHETA:  Right.

21           MS. MAC DONALD:  And we will -- you know, once we  
22 figure out when we're going to be where, exactly, then I  
23 would say Ana and I will sit down and figure it out and --

24           COMMISSIONER ANCHETA:  Okay, that's --

25           MS. MAC DONALD:  -- we will absolutely keep that

1 in mind.-- we will absolutely keep that in mind.

2 COMMISSIONER ANCHETA: Okay. And that's helpful  
3 because it sounds like you're sort of tag-teaming in terms  
4 of attendance.

5 MS. MAC DONALD: Yes. And that was part of, you  
6 know --

7 COMMISSIONER ANCHETA: That's good. Okay.

8 MS. MAC DONALD: -- how we looked at all of these,  
9 just being able to meet the requirements and really making  
10 sure that we're there when you need us.

11 COMMISSIONER ANCHETA: Right.

12 MS. MAC DONALD: And that was a big piece of it  
13 was that there is going to be backup.

14 COMMISSIONER ANCHETA: Right. And I'll not that,  
15 again, that Ms. Henderson is a PhD candidate in the  
16 jurisprudence and social policy program. And now has a  
17 fair amount of quantitative training through that program,  
18 too?

19 MS. MAC DONALD: She has a lot of quantitative  
20 training.

21 COMMISSIONER ANCHETA: Good.

22 MS. MAC DONALD: Yeah, actually, we -- well, both  
23 of us. I mean, I'm on leave from a PhD program, as well,  
24 so we both have a fair amount of quantitative training.  
25 And because Ana has advanced to candidacy, she actually

1 doesn't have to take classes or do a whole lot right now  
2 so --

3 COMMISSIONER ANCHETA: Oh, good. Very good,  
4 that's good to know.

5 MS. MAC DONALD: It's cruise time. I hope none of  
6 her advisers are listening.

7 CHAIRPERSON FILKINS WEBBER: Commission DiGuilio.

8 COMMISSIONER DI GUILIO: To follow up on this  
9 point of Commissioner Ancheta, if we, as a Commission, go  
10 forward with Q2, I would like to see the advisory  
11 committee be able to present to the full Commission, after  
12 or in conjunction with our technical consultant, our VRA  
13 attorneys, VRA team, to give us an idea, the full  
14 Commission, as what you think would be appropriate for Ana  
15 Henderson to attend and what you think will be necessary.

16 Because I think that level of -- we would need to  
17 make sure we're covered and that would be -- I'm hoping to  
18 task the Legal Advisory Committee to give us a full  
19 report, as a Commission, about that and after coordination  
20 with all the parties.

21 VICE-CHAIRPERSON BLANCO: Do you want that for  
22 next week? I'm serious, we're meeting next week.

23 COMMISSIONER DI GUILIO: Yeah. Yes, if we go  
24 forward, I would like that to happen next week. Thank  
25 you.

1           CHAIRPERSON FILKINS WEBBER: I made a note of it.

2           Commissioner Dai?

3           COMMISSIONER DAI: Yeah, in fact, to pile onto  
4 that, in conjunction with, you know, Mr. Miller and Ms.  
5 Johnston, too, in terms of what staff role could be in  
6 that. Because I am extremely excited about the bonus of  
7 having somebody who's a DOJ attorney, who's worked in  
8 Section 2 and Section 5 on our line-drawing team to  
9 potentially save us a lot of money on the legal side.

10          CHAIRPERSON FILKINS WEBBER: I don't necessarily  
11 see it that way. We spent a considerable time yesterday,  
12 and Tuesday and Thursday, interviewing counsel, who we  
13 have selected to render an opinion regarding the Voters  
14 Rights Act.

15          I don't know Ms. Henderson and if there's any  
16 other disclosures, which I think they've already been  
17 mind, remind the Commission members.

18          So, I hold a different opinion in that regard.

19          But Legal Advisory will take that up.

20          I have a few questions for you, Ms. MacDonald.  
21 Given that this portion of the consideration of the bid  
22 allows us to consider your reputation, financial  
23 resources, and whether you have the capability of  
24 performing this contract, some of the public comments, one  
25 in particular is that Ms. MacDonald has never drawn

1 district lines on a statewide basis and, therefore, lacks  
2 experience to perform such a significant task.

3 Please provide further clarification among the  
4 materials that were sent to you, or in response -- based  
5 on the bid that you've submitted, can you please provide  
6 further clarification in response to this public comment,  
7 so that we can appropriately determine whether you are  
8 fully capable of performing this contract given the  
9 evidence of the potential lack of experience on a  
10 statewide basis?

11 MS. MAC DONALD: Absolutely. As part of the bid,  
12 if you refer to my CV, you will see that there are two  
13 projects. One is about the implication of competition in  
14 California redistricting -- I'm not getting the title  
15 right here. So, it's a competition, the competition  
16 study.

17 And about a year later there was a nesting study.  
18 These were both academic, statewide redistricting  
19 projects. So, they were academic, they were not  
20 contracted by the State of California. Of course, had I  
21 been working for the State of California, I would not be  
22 sitting here.

23 So, those -- I designed both of them, I hired the  
24 people that worked on them, I supervised and implemented,  
25 basically, both of these projects. They were both

1 statewide, they were widely peer reviewed in the academic  
2 community as well as, actually, in the political  
3 community.

4           Because as you probably can imagine, when somebody  
5 talks about competition everybody was going, okay, what  
6 are the results, what does this really do?

7           So, this was a California-specific project. And  
8 I, for the next couple of years, really at every  
9 conference, was telling people that they can't necessarily  
10 take those particular findings and apply them to their  
11 state. Because our California is a very specific state  
12 based on how we live, and how we self-sort, and because  
13 we're just a very high minority state, we have a lot of  
14 languages, there's a lot going on here that doesn't go on  
15 in other states, you know. And we're just very big, you  
16 know.

17           And then also we have certain geographies, and  
18 there were just a lot of criteria interactions.

19           So, those are two statewide projects that I did.

20           And as I said earlier, I could have done a better  
21 job highlighting those in my CV, and I didn't. But  
22 they're in there.

23           And you will also note that there were a few of  
24 the Q2 team members, that are part of this bid, that also  
25 worked on those particular projects, namely Alex Woods and

1 Tamona Alon worked -- which is right behind me. Both  
2 worked on those.

3 Ana Henderson has statewide experience via her  
4 employment at the Department of Justice, where she  
5 reviewed statewide Section 5 cases.

6 And I just wrote down the states and --

7 CHAIRPERSON FILKINS WEBBER: I didn't see any  
8 reference to California, I may have overlooked it.

9 MS. MAC DONALD: No, it was not California.

10 CHAIRPERSON FILKINS WEBBER: Okay.

11 MS. MAC DONALD: No, she did not --

12 CHAIRPERSON FILKINS WEBBER: So, she's never done  
13 any Section 5 pre-clearance review for the DOJ of any  
14 county that was subject to that in the State of  
15 California?

16 MS. MAC DONALD: Certainly, not statewide. And I  
17 am not sure. She didn't mention it. I think she would  
18 have probably mentioned it, so I'm guessing that she did  
19 not.

20 CHAIRPERSON FILKINS WEBBER: Well, I don't see any  
21 reference to any California county that's subject to  
22 Section 5.

23 MS. MAC DONALD: Correct.

24 CHAIRPERSON FILKINS WEBBER: Okay.

25 MS. MAC DONALD: Then she probably didn't.

1           And Nicole Boyle worked for the special masters in  
2 the Arizona redistricting. So, once they were actually in  
3 court, Nicole got all the files and she was working on the  
4 statewide redistricting for Arizona, and that's also in  
5 her resume.

6           CHAIRPERSON FILKINS WEBBER: Thank you.

7           One other question that I do have for you, for  
8 further clarification, you have been privy to the other  
9 public comments that have been posted online. And in that  
10 regard you have submitted some responses.

11           One, and I, again, may have overlooked it, because  
12 trust me, we've gotten plenty of public comments, but I'd  
13 like further clarification we do have -- in the City of  
14 San Diego, the project that you had done for them, we had  
15 received one public comment commending you for your work,  
16 while at the same time we've received another public  
17 comment challenging your work in that regard. And again,  
18 this goes to your reputation. Your reputation was being  
19 challenged by the criticism, suggesting that you had  
20 intentionally packed Republicans into a particular area.

21           Can you provide further explanation? Because as  
22 much as you've provided a response to all of the criticism  
23 that you have received, I never saw you respond to that  
24 particular public comment or if you know what they're  
25 referring to?



1 MS. MAC DONALD: I, actually, didn't see that  
2 public comment. I have to tell you, honestly, I tried not  
3 to look at the public comments or the blogs a lot, because  
4 this hasn't been an easy process for me to go from being  
5 loved for giving away data, to all of the sudden being no  
6 so loved anymore.

7 And so, actually, I have never heard any criticism  
8 about the San Diego redistricting. We most certainly  
9 didn't pack anybody.

10 This was a -- this entire redistricting was done  
11 in public and there were so many public comments there. I  
12 mean, I don't even recall that anybody ever suggested that  
13 there was something political going on.

14 What I recall about San Diego most vividly was how  
15 incredibly diverse San Diego is and how many populations  
16 just beyond, you know, just looking at race and ethnicity  
17 data from the Census files, how many communities came out  
18 and talked about, you know, the communities you don't --  
19 you just get through community of interest testimony, and  
20 they were talking about their neighborhoods, and what they  
21 were working on together, and what united them, and how  
22 they should stay together. And, you know, all the  
23 different languages they speak in City Heights, and  
24 whatnot else.

25 That's really how that -- that was driving that

1 particular redistricting more than anything else. I have  
2 no knowledge of any kind of partisan mischief in that  
3 particular redistricting. Absolutely not.

4 CHAIRPERSON FILKINS WEBBER: One other question,  
5 and I've granted a lot of time to other Commissioners, so  
6 I want to get in mine.

7 This has troubled me for some time, and I thought  
8 about not bringing it up, but I'm going to. Because if  
9 there's a possibility that this award is going to go to  
10 you, I want to make sure that my conscience is clear.

11 You were provided an opportunity by the Bureau of  
12 State Audits and, again, that's mentioned in your response  
13 to our invitation for bid, to come before the Commission  
14 as the Statewide -- the Director of the Statewide  
15 Database. And that was this Commission's first  
16 opportunity to be introduced to you.

17 You were then asked, while we remained under the  
18 SOS, after the first of the year, to come back under  
19 Commissioner Dai's chairmanship at that time, to present  
20 further training to the Commission.

21 At that time that you had presented yourself to  
22 the Commission there wasn't any clarity when you were  
23 presenting your recommendations regarding community  
24 outreach, and the number of meetings, and whatnot.

25 And it was during that discussion that you had

1 made a comment that you would be doing so under a  
2 different company, and this was the first occasion in  
3 which the Commission actually understood that you had a  
4 separate potential interest in performing services for the  
5 Commission.

6 At that time not one Commission member, and it  
7 wasn't stated in public that you actually owned a company  
8 and it was called Q2.

9 Then we moved our hearings to Claremont and at  
10 that time, again, you were invited to come and speak  
11 before the advisory committee, the Outreach Advisory  
12 Committee. And at that time, again, I was not present at  
13 the Outreach Committee.

14 But as I understood, you were there in a private  
15 capacity. Again, I never heard, nor was it ever reported  
16 back to this Commission that you were providing any  
17 information, training, expertise, again as a private  
18 company of Q2 Data and Research.

19 And then that omission, from my perspective, led  
20 to a suggestion by a Commission member to consider a sole-  
21 source contract to you for the outreach, and that's what  
22 led to the public comment regarding the identity of your  
23 private company.

24 And what has troubled me for some time is -- and  
25 like I said, I think this goes to reputation, and I want

1 this out and in the record, so I can clear my conscience  
2 of this circumstance, because it has come up.

3 I never heard about your company and at the time  
4 it was being presented to this Commission, Q2 Data and  
5 Research had never been introduced.

6 Now, I think you might have been a little  
7 unintentionally misled, too, through invitations to  
8 present to this Commission as the Director of the  
9 Statewide Database.

10 But can you explain to me and confirm for me that  
11 there was no intentional omission on your part during the  
12 different times in which you had held hats before this  
13 Commission, or that you've used your position as the  
14 Director of the Statewide Database to then garner a  
15 contract for Q2? I have to ask the question.

16 MS. MAC DONALD: Yeah.

17 CHAIRPERSON FILKINS WEBBER: Thank you.

18 MS. MAC DONALD: And I appreciate it and, you  
19 know, that's fair.

20 I was actually -- I have always differentiated  
21 between the work that is part of the Statewide Database  
22 and the work that I don't do for the Statewide Database.  
23 And at some point we kind of crossed over from, you know,  
24 talking about the redistricting data to doing consulting  
25 work.

1           And when I do consulting work, I do it through Q2  
2 Data and Research.

3           And that was actually the same with the Bureau of  
4 State Audits. I mean, at some point it was like this is  
5 really not something that I can do through the Statewide  
6 Database. And because I'm taking vacation time to do  
7 this, I would like to be reimbursed for it.

8           So, that is really how Q2 came in. You can  
9 believe this or not, I'm telling you, when we were sitting  
10 in Claremont and all of the sudden there was this motion  
11 to do a sole-source contract, I said to my team later, you  
12 know, nobody's ever asked me whether I want to do this  
13 project. And we hadn't talked about whether we wanted to  
14 do this project.

15           And, obviously, the next day, when there were all  
16 of these nasty comments made about me, which I still  
17 haven't listened to, I will tell you, I just relied on  
18 people e-mailing me what we were, we were definitely  
19 wondering whether or not we wanted to do this contract.

20           Because, you know, there's one thing about just  
21 helping and really trying to implement a process, and it's  
22 another thing to kind of take, you know, a lot of  
23 political flak for it. And none of us is used to this,  
24 none of us. We're not political people.

25           You know, we read about this stuff in the papers.

1 But this, to happen to us, I was just blown away.

2 So, we kind of went into hiding in between as  
3 well, right.

4 So, I was really glad when it did go to  
5 competitive bid, even though I will tell you it was a lot  
6 of work and, you know, everybody will attest to that.

7 Was there anything intentional? Absolutely not.  
8 There are very, very few people that do redistricting, as  
9 you know, you know.

10 Do I have an affinity for commissions?  
11 Absolutely. I mean, I just -- I love it, you know. I'm  
12 one of the original suckers for just really lots of public  
13 input, and really getting people out there to talk about  
14 their neighborhoods and their communities.

15 So, if there's an opportunity to get involved in a  
16 process like that, where you can bring people in and  
17 actually affect a process, gosh, I am all over it. And I  
18 think that was the tipping point for us is we looked at  
19 it, you know -- and we really didn't make the decision  
20 that we were going to bid on this, we were really on the  
21 fence until probably a couple of weeks ago, when we said,  
22 okay, we'll take a look at what the bid looks like.

23 CHAIRPERSON FILKINS WEBBER: Thank you very much.  
24 I certainly hope you understand the circumstances and  
25 events --

1 MS. MAC DONALD: Absolutely.

2 CHAIRPERSON FILKINS WEBBER: -- and I wanted to  
3 make sure that was clear, given that we do need to discuss  
4 reputation. And that's where I questioned your  
5 reputation.

6 MS. MAC DONALD: Yeah.

7 CHAIRPERSON FILKINS WEBBER: So, thank you very  
8 much.

9 Commissioner Barabba?

10 COMMISSIONER BARABBA: Yes. Relative to San  
11 Diego, since Commissioner Ontai is not here, who comes  
12 from that area, earlier, when all these comments were  
13 being made about the misapplication of the redistricting  
14 process in San Diego, he contacted the gentleman who was  
15 responsible for the Commission.

16 And he just sent this note and he says: "  
17 "please forward this e-mail to my fellow  
18 Commissioners regarding additional reference to  
19 Ms. MacDonald. I personally talked to Mr. Ralph  
20 Pesqueira today regarding Ms. MacDonald's  
21 impartiality. He chaired the San Diego City 2000  
22 Redistricting Commission, an independent city  
23 commission appointed by three judges.  
24 Commissioner Pesqueira, who is a Republican,  
25 stated his commission selected all consultants on

1           the basis of their past impartiality. This  
2           commission retained the services of the Statewide  
3           Database on the basis of its impartiality and its  
4           technical expertise. More specifically, he  
5           praised Ms. MacDonald for her impartiality in  
6           providing the commission with the mapping  
7           technology and the outreach services need by his  
8           commission."

9           CHAIRPERSON FILKINS WEBBER: Thank you.

10          COMMISSIONER BARABBA: That was another Republican  
11 who was doing the job.

12          CHAIRPERSON FILKINS WEBBER: Okay. Commissioner  
13 Ward?

14          COMMISSIONER WARD: Thank you, Chair.

15          I was just going to ask, obviously, you've seen  
16 the public comments and things like that and, obviously,  
17 the process has been a bit contentious. Which actually I  
18 was a little surprised to hear you say that that's  
19 surprising to you, you know, with your experience with  
20 redistricting and things. Obviously, it's contentious by  
21 nature, people see things from different sides, so a  
22 little surprised to hear that it was a surprise to you.  
23 But obviously it is, by nature, contentious.

24          And I'm wondering how can you -- how do you plan  
25 to instill confidence in those members of the public that



1 might have perceptions that there's partisanship, or  
2 things like that, might have questions that were raised  
3 about Q2? What steps do you plan to undertake to overcome  
4 those and instill confidence in all of California?

5 MS. MAC DONALD: Thanks. I think, first, let me  
6 just clarify why I was surprised. I know it's a  
7 contentious process, but it was never directed toward me.  
8 Because, usually, you know, it will be you all who would  
9 get the contentious comments and not, you know, the person  
10 that's basically just implementing your wishes.

11 And that is exactly how I see our job. I mean,  
12 it's not our job to do anything other than, you know, what  
13 you tell us to do. We run into problems with what you  
14 tell us to do we will tell you, we will show you. We  
15 document our work. We're going to be, you know, open and  
16 transparent, as we always have been.

17 And that is about the best that anyone can do, I  
18 think. I mean, we -- I don't know how many more times --  
19 I mean, if people still don't believe that I am a  
20 declined-to-state voter, there is just really so much that  
21 I can do about it.

22 But, you know, my team and I, we are just not  
23 political people. It's kind of hard to prove that you're  
24 not political. It's easier to prove that you're political  
25 because then you've participated in something. It's

1 harder to prove something that you didn't do.

2 And I think that transparency will go along way  
3 and the result of our work. Because we don't -- we are  
4 not the people making the decisions here, we're just not.  
5 You are the people making the decisions.

6 CHAIRPERSON FILKINS WEBBER: Commissioner Ancheta?

7 COMMISSIONER WARD: I had a --

8 CHAIRPERSON FILKINS WEBBER: Oh, I'm sorry, were  
9 you finished?

10 COMMISSIONER WARD: -- a follow up?

11 CHAIRPERSON FILKINS WEBBER: Oh, please.

12 COMMISSIONER WARD: I appreciate that, thank you.

13 Over the course of the last -- this week, I should  
14 say, we've also heard VRA attorneys, and similar concerns,  
15 and perceptions and things like that were present, as it  
16 was a contentious process, too.

17 In those cases, where there were clearly issues  
18 that raised concern, they were tangible, the firms offered  
19 ways to safeguard against that. Things were discussed,  
20 like firewalls and things like that.

21 And I realize that's a legal -- a legal thing and  
22 for a legal firm.

23 But in particular, with Q2, Bruce Cain is co-  
24 owner, is that correct?

25 MS. MAC DONALD: Yes.

1           COMMISSIONER WARD: Okay. And certainly, I  
2 understand that you and your team are decline-to-state.  
3 But with all the discussion that went on about Claremont  
4 and who donors might be to that college, and might not be,  
5 and all that kind of thing, we really haven't talked about  
6 the fact that, certainly, Bruce Cain is not a decline-to-  
7 state and he's co-owner of your company.

8           And I'm wondering, besides just being -- the  
9 things you discussed, do you have anything that you could  
10 offer as to how we could assure the public that certainly  
11 a partisan co-owner of this company wouldn't have any  
12 influence, or oversight as to your contract?

13           MS. MAC DONALD: Sure. I believe that he has  
14 submitted a letter to you and I could absolutely have him  
15 formalize that. I mean, again, he lives in D.C. He's out  
16 in California maybe a couple of times a year.

17           His interests are in D.C. I think he will  
18 probably be working for some attorney general in the  
19 redistricting for some other state, east coast state, as  
20 far as I know.

21           And if you would like a more formal statement, we  
22 have enough lawyers here that I think we could probably  
23 work something up, and we are -- we will be willing to  
24 sign anything and put it on the front page of any website.  
25 Absolutely.

1           COMMISSIONER WARD: I appreciate that. I did read  
2 that letter and I think another -- I think the co-owner  
3 also endorsed the company, which I thought was a good  
4 thing.

5           But beyond that, like I said, there's a large part  
6 of California that, you know, has particular issues with  
7 Bruce Cain. Is there any -- did you run into this in San  
8 Diego? Is there any other assurances or any other  
9 procedural things that can be done to give more of a --  
10 for example, one of our VRA firms offered to have all the  
11 other members of the firm sign, you know, a formal  
12 document that says, you know, that they are not going  
13 to -- won't discuss information, things like that.

14           Are processes like that commonplace, is that  
15 something you've done before?

16           MS. MAC DONALD: We could absolutely do that. We  
17 could absolutely -- that's not something that we've ever  
18 been asked to do because it just hasn't come up. But  
19 absolutely, it's absolutely no problem.

20           COMMISSIONER WARD: Okay. So, you'd be open to,  
21 if the legal subpanel or something made a --

22           MS. MAC DONALD: Certainly.

23           COMMISSIONER WARD: Thank you.

24           MS. MAC DONALD: Certainly.

25           COMMISSIONER WARD: I appreciate that.

1           I also understand that you were approached by the  
2 Rose Institute to do a joint bid and to come to a -- make  
3 a bipartisan or a -- I should say, a joint proposal for  
4 the Commission, so there wouldn't necessarily have to be a  
5 contentious process made.

6           And I understand that you declined to do that.  
7 And I'm just wondering if you could speak to why you  
8 declined to do a joint bid?

9           And then I'd also like to know that there's been  
10 some discussion about possibly discussing an in-line  
11 process review. Again, haven't decided to do that, but  
12 it's something that we've discussed. And I'd like to --  
13 I'm concerned about your ability to be responsive to that,  
14 being that you declined to be willing to put in a joint  
15 bid with the other bidder.

16           MS. MAC DONALD: Okay. So, let me talk about why  
17 I thought that a bid with the Rose Institute was not going  
18 to work. And we talked about it. I mean, Mr. Johnson and  
19 I, we talked about it over many days and I talked to the  
20 members of my team about it.

21           And it really -- at the heart of it was a  
22 methodology -- was a methodology concern about who the  
23 members of the Rose Institute teams would be, because  
24 there's largely undergraduates.

25           And it got me to the concern that there would be a

1 lot of handoffs of the plans on that end. We really,  
2 among this slight constraint period of time that we had to  
3 figure out how to do it, I didn't think we could come up  
4 with a good proposal to actually do it jointly.

5 And, you know, we designed a proposal that really  
6 is a stand-alone at this point and I am confident that it  
7 will work.

8 So, you know, bringing in somebody that we've  
9 never worked with, who uses different methodology, with  
10 people who we just don't know how much training they have,  
11 it all -- it just increases the potential of error. You  
12 know, there are all -- you know, as soon as you bring on  
13 somebody you've never worked with, you have communication  
14 issues that have to be worked out.

15 I think were this a process that where we could  
16 take more time, had we had more time to perhaps, you know,  
17 start earlier, that might have been a possibility.

18 My other concern was really that we're -- I'm  
19 nonpartisan, I'm a decline-to-state. And, you know, you  
20 can say that there were some people that are concerned  
21 about, you know, having Bruce Cain as part of -- as part  
22 of Q2, you know, that he's a Democrat and he drew lines 30  
23 years ago, for the Democrats, that that is a concern to  
24 some people.

25 I mean, the second that I start doing a joint

1 proposal with the Rose Institute, I'm going to have the  
2 Democrats shouting that, you know, they want a Democrat on  
3 the team. And how do we ever get a proposal that  
4 everybody here can work on and that can actually start  
5 drawing lines in a -- you know, in a timely manner.

6 I just didn't think it was going to go, I just  
7 didn't think it was going to work.

8 So, I had some serious methodology concerns and  
9 then the partisanship concerns were most certainly there.

10 In terms of peer review, we are so used to peer  
11 review. Welcome to academia. I mean, everything we do  
12 gets peer reviewed and you're -- you know, you're used to  
13 having people, you know, look at everything, looking at  
14 your data, trying to replicate everything.

15 If you look at the Database, I mean the Database  
16 is like this is like the epitome of peer review. You  
17 know, redistricting data, publicly accessible, online,  
18 every file out there. You know, everybody just knock  
19 yourselves out, take the files, let us know if there's  
20 anything wrong with it. That's really how we built this  
21 incredible resource that everybody has been using. You  
22 know, Democrats, Republicans, and whoever else, and we  
23 don't even ask, you know.

24 CHAIRPERSON FILKINS WEBBER: Thank you, Ms.  
25 MacDonald, you've sufficiently answered the question.

1 (Laughter)

2 MS. MAC DONALD: Oh, I'm sorry. Yeah, here comes  
3 my favorite database --

4 CHAIRPERSON FILKINS WEBBER: Exactly. Then you  
5 change hats.

6 Commissioner Ancheta?

7 COMMISSIONER ANCHETA: Yeah. And I like the  
8 remarks about peer review, academics are very used to  
9 that. And if you want to see nasty, you should look at  
10 peer review on scholarship, that's really nasty.

11 MS. MAC DONALD: Yeah.

12 COMMISSIONER ANCHETA: Actually, Commissioner Ward  
13 actually addressed my concern, which was regarding  
14 Professor Cain. And I'm satisfied that if we were to  
15 award the contract that steps could be taken to prevent  
16 any -- you know, a firewall, I think, would be sufficient  
17 to isolate Mr. Cain -- or Professor Cain from the team  
18 that would actually be working on the line drawing for us.  
19 I'm satisfied with that.

20 CHAIRPERSON FILKINS WEBBER: Commissioner DiGuilio  
21 and the --

22 COMMISSIONER DI GUILIO: And in the same vein, I  
23 just, especially when we had clarification, previously,  
24 from Ms. MacDonald that he would not -- as I understand  
25 it, he would not be involved in this process. So, I would



1 like to follow up on Commissioner Ward's suggestion that  
2 if we do move to have Q2 Data, that there be implemented  
3 some type of -- I don't know if it's a firewall, because  
4 it doesn't sound like he's involved in the process, but  
5 some type of formal notice that says that he will not be  
6 involved in the process.

7 CHAIRPERSON FILKINS WEBBER: Is that a problem,  
8 Ms. MacDonald?

9 MS. MAC DONALD: No, that's not a problem.

10 CHAIRPERSON FILKINS WEBBER: Thank you for that  
11 clarification.

12 Mr. Ward, did you have anything further? It  
13 appears that our discussion is dwindling and the Chair  
14 would invite a motion, if we are getting there.

15 COMMISSIONER WARD: Thank you, Chair. Yeah, I  
16 just didn't feel like -- I just wanted an answer to my  
17 original question, my other question or just a full  
18 answer.

19 I'm curious because I am concerned --

20 CHAIRPERSON FILKINS WEBBER: I'm sorry, where is  
21 the -- again, I just want further clarification on what  
22 we're focusing on. I thought she had sufficiently  
23 answered your question as to what I thought was  
24 reputation, which I thought was okay.

25 But do you have a new question?

1           COMMISSIONER WARD: Well, no, I asked about in-  
2 line process review and her ability to work with others.  
3 That's what I had asked. And she answered in response to  
4 that that there is peer review available online and,  
5 certainly, lots of people are watching.

6           But my question was designed to elicit that if  
7 this Commission does decide that in order to fully offer  
8 an added transparent piece, by having an inline review, if  
9 she's capable and willing to work with them, given that  
10 she said she doesn't like -- that she feels handoffs and  
11 more hands in the pots creates problems.

12           CHAIRPERSON FILKINS WEBBER: With all due respect  
13 to Commissioner Ward, this was a response to the bid, and  
14 it's in her response to a request for bid.

15           COMMISSIONER WARD: Okay, thank you.

16           CHAIRPERSON FILKINS WEBBER: And so if you have a  
17 directed question based on her response or the bidder's  
18 response, excuse me, to our invitation, I'll certainly  
19 entertain that further.

20           Does anyone else have any additional clarification  
21 of Q2 Data Research at this point?

22           No further questions. Is there a motion that  
23 should be --

24           ADMINISTRATIVE ASSISTANT SARGIS: There's a motion  
25 on the floor, that's been seconded.

1           CHAIRPERSON FILKINS WEBBER: Oh, wow, it's been  
2 that long, has it?

3           ADMINISTRATIVE ASSISTANT SARGIS: Commissioner  
4 Yao, you made a motion an hour or so ago to accept the  
5 cost bid proposal for Q2 and Commissioner Forbes seconded.

6           COMMISSIONER YAO: That was with regard to the  
7 responsiveness of the proposal, because we started on  
8 that, and I don't believe we finished it, pending input  
9 from staff on the review of the cost portion of the input.

10          CHAIRPERSON FILKINS WEBBER: Well, I didn't -- I  
11 didn't understand that there was a second to your motion,  
12 so we moved forward procedurally on whether or not the bid  
13 was responsible, and that's where I felt we were at  
14 procedurally.

15          There was no second to the motion, as I understood  
16 it.

17          ADMINISTRATIVE ASSISTANT SARGIS: There was a  
18 second, Commissioner Forbes.

19          CHAIRPERSON FILKINS WEBBER: Do you feel that  
20 there's a necessity for you motion or you withdraw your  
21 motion and allow --

22          COMMISSIONER YAO: No, I think procedurally I  
23 suspect that we have gone past it already because on the  
24 basis of the fact that we went to the responsible  
25 discussion. But I think formally, we probably should get

1 the staff input as to whether they feel the proposal has  
2 met the responsiveness part and then --

3 CHAIRPERSON FILKINS WEBBER: We make that  
4 determination and so it would be based on a motion. But  
5 we have one that's pending.

6 So, procedurally, I'd like to clean this up  
7 because I, as Chair, missed the fact that there was an  
8 actual second. I thought that there was no pending  
9 motion, otherwise I would have redirected us to that.

10 So, I apologize. Commissioner Forbes is second.

11 So, procedurally, we need to deal, and beg my  
12 pardon, will you please re-read the motion?

13 ADMINISTRATIVE ASSISTANT SARGIS: The motion is to  
14 accept the cost bid proposal from Q2.

15 CHAIRPERSON FILKINS WEBBER: The cost bid. Okay.

16 COMMISSIONER YAO: All right. Let me, just to  
17 clarify the situation, let me withdraw any and all  
18 proposals, motions that are before the board.

19 And I'd like to, for you information, do two  
20 motions. The first one is to accept and declare that Q2's  
21 proposal is responsive. And after that, I'll introduce  
22 the second motion.

23 COMMISSIONER FORBES: And I'll second that.

24 CHAIRPERSON FILKINS WEBBER: Further discussion  
25 from any Commission member? This would be a majority

1 vote. And just for your ease, it's not that significant,  
2 but it is part of our process. If this Commission decides  
3 that this would be a necessary vote for the record, we're  
4 obviously here to entertain it.

5 Do any other Commission members have questions?  
6 Commissioner DiGuilio?

7 COMMISSIONER DI GUILIO: I'd like to hear staff's  
8 response to -- determination of responsiveness.

9 BUSINESS MANAGER VILLANEUVA: I did have a chance  
10 to review it and it was responsive in the areas that we  
11 were asking in the IFB, in terms of the costs and the  
12 specific portions of the costs we requested.

13 COMMISSIONER DI GUILIO: Thank you.

14 CHAIRPERSON FILKINS WEBBER: Okay. Any other  
15 Commission member have any discussion on this motion, the  
16 responsiveness?

17 I will open it up to the members of the public  
18 regarding this limited motion, as stated by Commissioner  
19 Yao, to accept the cost and the bid, itself, as  
20 responsive.

21 Do any members of the public have any wish to  
22 comment in that regard? Don't see anybody approaching.

23 EXECUTIVE DIRECTOR CLAYPOOL: May I have -- I have  
24 something to distribute from -- it's from Senator Nielsen  
25 and it's the first response.

1           CHAIRPERSON FILKINS WEBBER:   Okay, the first  
2 public comment, technically.   Okay.

3           EXECUTIVE DIRECTOR CLAYPOOL:   Yeah.

4           LEGAL COUNSEL MILLER:   This member of the public  
5 was present, but had to leave, and asked us to distribute  
6 this letter because he couldn't make the comments  
7 directly.

8           CHAIRPERSON FILKINS WEBBER:   And because he has  
9 not had an opportunity to make the comments directly,  
10 would he like the comments read into the record?

11          LEGAL COUNSEL MILLER:   I don't know, but I think  
12 it's fair to post this, as we do other comments.   And  
13 having provided it to you, I don't think the additional  
14 step of reading is necessary.

15          I think any Commissioner may read it, if he or she  
16 wishes to do so.

17          CHAIRPERSON FILKINS WEBBER:   Right now we're in  
18 public comment.   But technically, until I finish reading  
19 it, Commissioner Yao --

20          COMMISSIONER YAO:   I don't believe --

21          CHAIRPERSON FILKINS WEBBER:   I'm sorry, hold on.

22          COMMISSIONER YAO:   -- this is pertinent to the --

23          CHAIRPERSON FILKINS WEBBER:   Hold on.   We're in  
24 public comment and have not pulled it back to the full  
25 Commission.   Thank you.

1           Thank you. Are there any other members of the  
2 public wish to address this Commission on the motion on  
3 the floor?

4           Seeing none, I will pull it back to the  
5 Commission.

6           One final comment, Commissioner Yao, on your own  
7 motion?

8           COMMISSIONER YAO: I thought we were discussing as  
9 to whether we should read the public comment that was  
10 presented before us. I don't believe it addresses the  
11 point that we're voting on. We may decide to read it, but  
12 not at this point in time.

13           CHAIRPERSON FILKINS WEBBER: That's correct, so I  
14 did not.

15           So, I'll take a vote, please, roll call vote on  
16 this motion.

17           ADMINISTRATIVE ASSISTANT SARGIS: Commissioner  
18 Aguirre?

19           COMMISSIONER AGUIRRE: Yes.

20           ADMINISTRATIVE ASSISTANT SARGIS: Commissioner  
21 Ancheta?

22           COMMISSIONER ANCHETA: Yes.

23           ADMINISTRATIVE ASSISTANT SARGIS: Commissioner  
24 Barabba?

25           COMMISSIONER BARABBA: Yes.

1 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner  
2 Blanco?  
3 VICE-CHAIRPERSON BLANCO: Yes.  
4 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner  
5 Dai?  
6 COMMISSIONER DAI: Yes.  
7 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner  
8 DiGuilio?  
9 COMMISSIONER DI GUILIO: Yes.  
10 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner  
11 Filkins Webber?  
12 CHAIRPERSON FILKINS WEBBER: Yes.  
13 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner  
14 Forbes?  
15 COMMISSIONER FORBES: Yes.  
16 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner  
17 Galambos Malloy?  
18 COMMISSIONER GALAMBOS MALLOY: Yes.  
19 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner  
20 Parvenu?  
21 COMMISSIONER PARVENU: Yes.  
22 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner  
23 Raya?  
24 COMMISSIONER RAYA: Yes.  
25 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner



1 Ward?

2 COMMISSIONER WARD: Yes.

3 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner  
4 Yao?

5 COMMISSIONER YAO: Yes.

6 ADMINISTRATIVE ASSISTANT SARGIS: The motion  
7 passes.

8 CHAIRPERSON FILKINS WEBBER: Thank you.

9 COMMISSIONER YAO: I would further make a motion,  
10 further move that the entire proposal, including the  
11 responsible portion of the Q2 proposal be deemed  
12 acceptable by the Commission.

13 CHAIRPERSON FILKINS WEBBER: Just further  
14 clarification, that this Commission would be providing an  
15 award to Q2 Data Research. Is that what you mean,  
16 Commissioner Yao? I'm just asking for clarification.

17 COMMISSIONER YAO: Yes. I think to follow  
18 procedure, we have to declare that the proposal is both  
19 responsive and responsible, and then we can proceed to do  
20 the award. If you want to do the award simultaneous with  
21 this motion, I'll be happy to do that.

22 CHAIRPERSON FILKINS WEBBER: Okay. So, you wanted  
23 to take it in a three-motion step process, even though you  
24 said two. Which the first motion was responsiveness, the  
25 second motion responsible, or are you actually -- is your

1 motion to grant the award, just seeking clarification?

2 COMMISSIONER YAO: I would proceed and move that  
3 we grant the award.

4 CHAIRPERSON FILKINS WEBBER: Okay. And that was  
5 clarification. And was that in your second, Mr. Forbes?

6 COMMISSIONER FORBES: That's acceptable, yes.

7 CHAIRPERSON FILKINS WEBBER: Okay. Any further  
8 discussion from the Commission members regarding --  
9 Commissioner DiGuilio?

10 COMMISSIONER DI GUILIO: I'd like for Commissioner  
11 Yao to consider, in addition to that, the addition that we  
12 would have some type of firewall with Mr. Cain, as a part  
13 of our motion -- or if firewall's the appropriate word.  
14 Some separation.

15 COMMISSIONER YAO: Yes, I do.

16 CHAIRPERSON FILKINS WEBBER: Technically, that's  
17 an amendment. Mr. Forbes, do you agree?

18 COMMISSIONER FORBES: Accept.

19 CHAIRPERSON FILKINS WEBBER: And, Counsel, as I  
20 understand it, when the amendment's been done that's  
21 still -- I mean, an amendment by the mover, that's the  
22 main motion and we may proceed.

23 LEGAL COUNSEL MILLER: You may proceed as the  
24 record stands.

25 CHAIRPERSON FILKINS WEBBER: Thank you. I will

1 open the floor up to -- oh, sorry, Commissioner Ward.

2 COMMISSIONER WARD: Can I make an amendment?

3 CHAIRPERSON FILKINS WEBBER: You can make it.

4 COMMISSIONER WARD: To the amended motion?

5 CHAIRPERSON FILKINS WEBBER: Either suggest an

6 amendment, for which Mr. Yao may or may not, well provided

7 you do have a second, or Mr. Yao can accept your amendment

8 and we would still be working with one motion.

9 Or we have the option of making a substitute

10 motion. But the floor is yours.

11 COMMISSIONER WARD: I'd be most comfortable

12 considering this proposal if we were able to add an inline

13 process review to this motion, so accepting them with an

14 inline process review.

15 CHAIRPERSON FILKINS WEBBER: Is that a substitute

16 motion?

17 COMMISSIONER WARD: No, I'm going to ask Mr. Yao

18 to consider the --

19 LEGAL COUNSEL MILLER: I think the intention would

20 be to add to the motion such that we would approve or

21 award the contract, including a firewall as it relates to

22 Q2 and that, as a condition of the award, we would

23 concurrently proceed to identify and bring to the

24 Commission an in-process reviewer. Would that be the

25 intent of your motion?

1 COMMISSIONER WARD: Thank you.

2 CHAIRPERSON FILKINS WEBBER: The question is if  
3 that's a new motion on the floor.

4 COMMISSIONER YAO: I will withdraw my previous  
5 motion and allow Commissioner Ward to restate a new motion  
6 encompassing both the firewall and the in-process review.

7 LEGAL COUNSEL MILLER: Would you like help with  
8 that.

9 COMMISSIONER WARD: Yeah, let me -- what we  
10 propose is that we accept -- we accept the bid, with the  
11 stipulation of a firewall for Bruce Cain, and then  
12 immediately proceed to a discussion on determining whether  
13 or not an inline process review can be put in place.

14 LEGAL COUNSEL MILLER: That's different than I --  
15 if I could, I believe an expression of your intent for the  
16 third part of that motion would be that simultaneously  
17 with the award of this contract staff is directed to  
18 undertake the process to identify an in-process reviewer  
19 and present the results of that work to the Commission to  
20 retain an in-process reviewer. Is that correct?

21 COMMISSIONER WARD: Yes. Yeah, that works, that's  
22 exactly.

23 CHAIRPERSON FILKINS WEBBER: Is there a second?

24 COMMISSIONER FORBES: Second.

25 CHAIRPERSON FILKINS WEBBER: Further discussion?

1 COMMISSIONER ANCHETA: So, can you repeat the  
2 motion, please?

3 CHAIRPERSON FILKINS WEBBER: Ms. Sargis, did you  
4 get that?

5 ADMINISTRATIVE ASSISTANT SARGIS: No, I need --

6 LEGAL COUNSEL MILLER: I'm sorry, I made it too  
7 complicated.

8 ADMINISTRATIVE ASSISTANT SARGIS: Yes, I need you  
9 to -- somebody to repeat the motion.

10 COMMISSIONER GALAMBOS MALLOY: Well, Commissioner  
11 Ward, could you please restate the motion? And the  
12 clarification, I'm a little unclear, was -- the idea's to  
13 bundle the awarding of the contract to Q2 and the firewall  
14 with a completely separate action, which is to undertake  
15 the investigation or pursue an inline review, with a  
16 separate contractor that's not to be Q2?

17 COMMISSIONER WARD: My concern is that with all of  
18 the public comment that we've all read, I haven't -- I got  
19 to get as far as I could to get comfortable and make the  
20 public comfortable with the transparency and the  
21 unbiasedness of Q2. I'm not suggesting they're not.

22 But, certainly, a lot of California is. And I  
23 think that it behooves the Commission to consider all  
24 options to make sure that all of California will be  
25 comfortable with this Commission's work.

1           And I understand that in the past we discussed  
2 adding the possibility of having an inline process review  
3 as part of that. And so I'm -- in order to feel  
4 comfortable voting for this motion, I'm attempting to  
5 attach to it identifying an inline process reviewer and a  
6 consideration of that person.

7           Understanding my intent, I'll reserve from  
8 formulating a motion on that right now.

9           CHAIRPERSON FILKINS WEBBER: Okay. And let me  
10 just -- let me just see if I can clear this up, Mr. Ward.  
11 As I understand it, and Finance Advisory Committee can  
12 clear this up, the budget does have an inline peer review  
13 process. When it was added to the budget at the advisory  
14 committee level and at the full Commission level we had  
15 discussions of when this individual, the peer review  
16 person, should we elect to move forward with that person,  
17 they would come in at the -- I would think after we make  
18 our first session of maps, is what my understanding was.

19           So that then they could -- their sole job will be  
20 looking at the job that was done by our technical  
21 consultant for ease of the Commission, ease of the  
22 public's concern regarding what the technical expert,  
23 whomever that might have been, or whomever it might be  
24 would then do.

25           I don't see that the peer review process is

1 shoulder to shoulder with our technical experts. That's  
2 why I don't see the necessity, and maybe you can provide  
3 further clarification. We have not prevented the peer  
4 review, we don't need to move forward with peer review  
5 shoulder to shoulder with our tech expert as, in the  
6 manner in which we've discussed it before.

7           The protections for the public and the concern  
8 they may have raised regarding the possible technical  
9 consultants that have come to our attention through this  
10 bid process would have only been after the initial maps  
11 are presented, and then the Commission could consider it.

12           So, with that further clarification, and unless  
13 I'm wrong and any Commission members wishes to challenge  
14 me in that regard, I would just ask that you reconsider  
15 this -- your considered possible motion, if there really  
16 is one.

17           But first of all, am I wrong in that regard? And,  
18 Commissioner Dai, you're shaking your head yes that you  
19 understood.

20           COMMISSIONER DAI: You're absolutely correct.

21           CHAIRPERSON FILKINS WEBBER: Thank you.

22           COMMISSIONER DAI: We have a budget line item for  
23 that. We did agree that this would happen after the  
24 selection of our primary line-drawer. And that it would  
25 also have to go through a competitive bid process so --

1           CHAIRPERSON FILKINS WEBBER: So, we still need to  
2 work on that. And Mr. Miller's shaking his head, as well.

3           So, I don't know that we can add any additional  
4 burdens to staff to move forward in that process.

5           So, can I -- are you withdrawing? If there is a  
6 motion, then I'd like it --

7           COMMISSIONER WARD: Yeah.

8           CHAIRPERSON FILKINS WEBBER: Are you withdrawing  
9 and maybe restating what you would like?

10          COMMISSIONER WARD: Let me restated. I'll  
11 actually make a motion then.

12          CHAIRPERSON FILKINS WEBBER: Okay. So I thought  
13 we had a motion, just state that you're withdrawing  
14 whatever you thought was there or --

15          COMMISSIONER WARD: I'll withdraw my previous  
16 motion.

17          CHAIRPERSON FILKINS WEBBER: Thank you.

18          COMMISSIONER WARD: And I'd like to make a new  
19 one.

20          CHAIRPERSON FILKINS WEBBER: Okay. Thank you,  
21 please do.

22          COMMISSIONER WARD: Thank you. I'd like to move  
23 that we accept the bid from Q2, with the creation of a  
24 firewall clause and that we direct staff to prepare an IFB  
25 for an inline process reviewer, upon acceptance of Q2.



1           CHAIRPERSON FILKINS WEBBER: Is there a second?

2 Thank you. No second. I'm sorry?

3           COMMISSIONER YAO: No second.

4           CHAIRPERSON FILKINS WEBBER: Okay. Commissioner

5 Yao, did you have another motion that you'd like to make?

6           COMMISSIONER YAO: Yes. Let me grab the ball back

7 and try it another way.

8           Like to move that we award Q2 the contract, with

9 two amendments. Amendment number one, create a firewall

10 with Q2's partner, Bruce Cain. And amendment number two,

11 will work with a peer reviewer of the Commission's choice,

12 as required.

13           CHAIRPERSON FILKINS WEBBER: Is there a second?

14 I'll second.

15 Any further discussion on the motion? Okay.

16           COMMISSIONER BARABBA: Yeah, I've had a problem

17 with the peer review concept for some time now. The State

18 of California spent a considerable amount of money and

19 time to create an impartial Commission. I heard the --

20 from Karin MacDonald, that she was going to take direction

21 from us, and that she had no ideas of her own, but she was

22 going to draw lines based on what we instructed her to do.

23           If we feel that there's an issue that surfaces,

24 that we would like somebody else to come and talk to us

25 about, we're capable of doing that.

1           But I don't think we need to make a commitment  
2   that we need to do that until we get to that issue.

3           So, I would just like to encourage Mr. Yao to drop  
4   his second amendment so that we can get on with this.

5           CHAIRPERSON FILKINS WEBBER: Let me just take the  
6   Chair's prerogative here. The motion, as phrased, was  
7   that Q2 would work with a peer reviewer. If we never get  
8   to the point of actually having to hire an IFP peer  
9   reviewer, it's inconsequential for the purposes of this  
10  motion.

11           And furthermore, the bid, as requested, is that  
12  she's already made a statement that she'll work with a  
13  peer reviewer.

14           So, frankly, his motion, as phrased, doesn't add  
15  anything and, nor, does it further complicate any matter.

16           In substance, the motion, as it is, is to award  
17  the contract pursuant to the bid.

18           So, I don't want anybody to get diverted in this  
19  discussion that his addition that Q2 will work with a peer  
20  reviewer, she's already admitted she'll work with a peer  
21  reviewer. So, there's no -- that's why I seconded it.  
22  Let's just move forward.

23           Is there any --

24           VICE-CHAIRPERSON BLANCO: I want to hear the  
25  motion again.

1           CHAIRPERSON FILKINS WEBBER: I will get there. I  
2 will get there. But there is a discussion on the floor.

3           So, Commissioner DiGuilio was next and then --  
4 yes, DiGuilio, and then Raya, and then Dai. Okay.

5           COMMISSIONER DI GUILIO: Again, I'm not a legal  
6 person but the way I hear it, that second amendment says  
7 will work -- no, you didn't say as required.

8           COMMISSIONER YAO: Did too.

9           COMMISSIONER DI GUILIO: Oh, he did. Okay.  
10 Because as I understand, we do have that line item, as Mr.  
11 Barabba said. And we haven't, as a committee, decided to  
12 go down that path.

13           So, I just want to make sure that this does not  
14 tie our hands?

15           COMMISSIONER YAO: It doesn't.

16           COMMISSIONER DI GUILIO: Okay, as long as this  
17 vote does not tie our hands, then okay.

18           CHAIRPERSON FILKINS WEBBER: Commissioner Dai?

19           COMMISSIONER DAI: So, I would just like, if you  
20 would accept a friendly amendment, it's not as required,  
21 just if required.

22           COMMISSIONER YAO: I would move to modify my  
23 previous wording from as required to if required.

24           COMMISSIONER FORBES: I agree to that.

25           CHAIRPERSON FILKINS WEBBER: You weren't the

1 second. I was the original seconder so -- you're always  
2 seconding, Commissioner Forbes so --

3 COMMISSIONER ANCHETA: He just likes to see his  
4 name on the transcript.

5 COMMISSIONER FORBES: That's right.

6 CHAIRPERSON FILKINS WEBBER: Seconded. And if --  
7 I seconded.

8 Any further discussion on this motion, from any  
9 Commission member?

10 Okay. I will open it up to the public at this  
11 time. How many members of the public wish to speak on the  
12 motion on the floor, which is the award?

13 I see one, you've got five minutes, sir. Come on  
14 forward.

15 MR. PAYTON: Allen Payton, Chairman of the Contra  
16 Costa Redistricting Task Force.

17 Having been a city council member where we reduced  
18 the number of minutes from five down to three, I won't  
19 take even three.

20 The issue that just came up, that I just learned  
21 about, was this issue of Bruce Cain being partner. I  
22 mean, firewalls are great, but perception is key, folks.

23 Having been a city council member, politics, 70  
24 percent is -- perception is 70 percent of what impacts  
25 people.

1           You have two different groups here, two different  
2 bidders. One was incomplete based on not providing all  
3 their database of contributors to their organization in  
4 the short time period.

5           You have another one who is declined to state and  
6 has some experience statewide, not necessarily in  
7 California. It makes sense to combine the two. It makes  
8 sense to avoid the appearance of evil to combine the two.

9           Or if you're going to have the motion, you have  
10 the one be the key and the other one reviewing it. I  
11 think it would be best for the public perception out  
12 there, so you all look unbiased, and nonpartisan, which is  
13 what you're supposed to be, is that you combine the two  
14 efforts. And -- or at least have one doing it and another  
15 one's doing it at the same time, reviewing each other's  
16 work, frankly.

17           I didn't know about this issue until today. My  
18 issue is more interest in the drawing of the lines and  
19 based on some principles that we want to present to you,  
20 when the time comes for that testimony.

21           But this motion seems rather convoluted. This  
22 issue of the two bidders and it appears, I'm just telling  
23 you, from just coming in today, it appears that there is  
24 somebody you wanted and somebody you didn't, and you found  
25 reasons to eliminate that person, that group. I'm just

1     telling you that's the appearance.

2             I'm hoping that's not the case, but the way to  
3     avoid in that appearance is to combine the two. Thank  
4     you.

5             CHAIRPERSON FILKINS WEBBER: Thank you, Mr.  
6     Payton.

7             Any other member of the public wish to address  
8     this Commission on the motion to award contract to Q2, et  
9     cetera, et cetera?

10            MR. SALAVERY: I just -- David Salaverry, again,  
11     from Berkeley. I'd just like to agree with the previous  
12     speaker that the perception issues are very, very key.  
13     I'm wondering if going forward, if you do not decide to  
14     either combine the bids, or to get the third party to look  
15     into it, if you might consider working through the  
16     Outreach Committee.

17            And what I'd like to suggest, I don't even know if  
18     this is possible as way the Proposition 11 is written, but  
19     when I look at the overall picture, I see -- as I have  
20     said repeatedly, you know, the -- you know, all the usual  
21     suspects from the left.

22            I'm wondering if the Outreach Committee can work  
23     with groups like, you know, the Kiwanis, like the Lion's  
24     Club, like Chambers of Commerce, like California Federated  
25     Republican Women, like local GOP committees. I'm not sure

1 if that's possible, but if you go forward in this  
2 direction, I would hope that the outreach would be  
3 extensive to the people on the other side. Thanks.

4 CHAIRPERSON FILKINS WEBBER: Thank you, Mr.  
5 Salaverry.

6 Any other members of the public who wish to  
7 address the Commission on this motion?

8 Seeing none, we'll bring it back and ask for a  
9 roll call vote.

10 Excuse me?

11 ADMINISTRATIVE ASSISTANT SARGIS: Do you want me  
12 to restate it one last time?

13 CHAIRPERSON FILKINS WEBBER: Oh, I'm sorry, I  
14 always do that. I just assume everybody's on top of the  
15 motion at this hour.

16 Ms. Sargis, will you please read the motion back.

17 ADMINISTRATIVE ASSISTANT SARGIS: The motion is to  
18 award Q2 the contract with two amendments. One, create a  
19 firewall for Mr. Bruce Cain. And, two, Q2 will work with  
20 a peer reviewer, if required by the Commission.

21 CHAIRPERSON FILKINS WEBBER: Thank you. Roll call  
22 vote, please.

23 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner  
24 Aguirre?

25 COMMISSIONER AGUIRRE: Yes.

1 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner  
2 Ancheta?  
3 COMMISSIONER ANCHETA: Yes.  
4 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner  
5 Blanco?  
6 VICE-CHAIRPERSON BLANCO: Yes.  
7 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner  
8 Dai?  
9 COMMISSIONER DAI: Yes.  
10 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner  
11 Raya?  
12 COMMISSIONER RAYA: Yes.  
13 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner  
14 DiGuilio?  
15 COMMISSIONER DI GUILIO: Yes.  
16 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner  
17 Forbes?  
18 COMMISSIONER FORBES: Yes.  
19 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner  
20 Galambos Malloy?  
21 COMMISSIONER GALAMBOS MALLOY: Yes.  
22 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner  
23 Parvenu?  
24 COMMISSIONER PARVENU: Yes.  
25 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner



1 Barabba?

2 COMMISSIONER BARABBA: Yes.

3 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner

4 Filkins Webber?

5 CHAIRPERSON FILKINS WEBBER: Yes.

6 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner

7 Ward?

8 COMMISSIONER WARD: Yes.

9 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner

10 Yao?

11 COMMISSIONER YAO: Yes.

12 ADMINISTRATIVE ASSISTANT SARGIS: It's unanimous,

13 the motion passes.

14 CHAIRPERSON FILKINS WEBBER: Thank you. And

15 congratulations.

16 Yes, Cynthia?

17 COMMISSIONER DAI: I just wanted to direct, task

18 the Legal Advisory Committee to work with Mr. Miller to

19 make that firewall very tight. And it should include not

20 profiting -- not profiting from the contract, et cetera.

21 Also, I wanted to respond to the member of the

22 public regarding outreach.

23 CHAIRPERSON FILKINS WEBBER: Which you may,

24 actually, because it is, and I understand it, and Mr.

25 Miller can correct me if I'm wrong, it was a matter that

1 was on the agenda and for the motion, so you are entitled  
2 to respond.

3           You're only not entitled to respond when it's  
4 issues that are not on the agenda, so please --

5           COMMISSIONER DAI: Yeah, and actually this was --  
6 I was going to defer --

7           CHAIRPERSON FILKINS WEBBER: I'm sorry. I  
8 apologize.

9           COMMISSIONER DAI: I was going to defer to Mr.  
10 Wilcox to talk a little bit about some of the outreach  
11 we're doing to all kinds of groups and entities. Maybe  
12 you could just speak to it really quickly.

13           COMMUNICATIONS DIRECTOR WILCOX: Thank you very  
14 much for the opportunity. And we'd like to assure the  
15 public that the Commission and staff are actively reaching  
16 out to all communities, many local groups throughout the  
17 State of California, ethnic groups, business groups,  
18 community groups, neighborhood associations.

19           We are casting as wide a net as possible and we'll  
20 welcome all of the involvement and actively seeking that  
21 through the cities, and counties, and organizations out  
22 there and wanted to assure everybody that that is  
23 happening.

24           CHAIRPERSON FILKINS WEBBER: Thank you very much,  
25 Mr. Wilcox.

1           We do have just a circumstance, a procedural  
2   circumstance, and to accommodate Commissioner Blanco,  
3   who's had an emergency all day.

4           We need a motion that I can sign this contract.  
5   So, if we can do that while Commissioner Blanco is here  
6   and move forward --

7           COMMISSIONER RAYA:   So moved.

8           CHAIRPERSON FILKINS WEBBER:   So moved, okay.   Any  
9   further --

10          COMMISSIONER DAI:   Second.

11          CHAIRPERSON FILKINS WEBBER:   Thank you.   Any  
12   further discussion on that?   No.   Open it up to members of  
13   the public, does anyone have a problem with me signing the  
14   contract?   We're speeding this all along.

15          I apologize, I am getting punchy because I am  
16   tired.

17          So, I will bring it back to the full Commission.  
18   May I have a vote, please?

19          ADMINISTRATIVE ASSISTANT SARGIS:   Commissioner  
20   Aguirre?

21          COMMISSIONER AGUIRRE:   Yes.

22          ADMINISTRATIVE ASSISTANT SARGIS:   Commissioner  
23   Ancheta?

24          COMMISSIONER ANCHETA:   Yes.

25          ADMINISTRATIVE ASSISTANT SARGIS:   Commissioner

1 Blanco?

2 VICE-CHAIRPERSON BLANCO: Yes.

3 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner

4 Dai?

5 COMMISSIONER DAI: Yes.

6 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner

7 Raya?

8 COMMISSIONER RAYA: Yes.

9 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner

10 DiGuilio?

11 COMMISSIONER DI GUILIO: Yes.

12 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner

13 Forbes?

14 COMMISSIONER FORBES: Yes.

15 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner

16 Galambos Malloy?

17 COMMISSIONER GALAMBOS MALLOY: Yes.

18 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner

19 Parvenu?

20 COMMISSIONER PARVENU: Yes.

21 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner

22 Barabba?

23 COMMISSIONER BARABBA: Yes.

24 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner

25 Filkins Webber?

1 CHAIRPERSON FILKINS WEBBER: Yes.

2 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner

3 Ward?

4 COMMISSIONER WARD: Yes.

5 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner

6 Yao?

7 COMMISSIONER YAO: Yes.

8 CHAIRPERSON FILKINS WEBBER: I probably wasn't

9 supposed to vote on that but, oh, well.

10 ADMINISTRATIVE ASSISTANT SARGIS: The motion

11 passes, it's unanimous.

12 CHAIRPERSON FILKINS WEBBER: Thank you very much.

13 Commissioner Blanco, you're free to leave.

14 VICE-CHAIRPERSON BLANCO: Okay. Thank you.

15 LEGAL COUNSEL MILLER: Madam Chair? Madam Chair?

16 CHAIRPERSON FILKINS WEBBER: I said, no, we're not

17 adjourned. We're not -- we're still in session so -- we

18 are still in session.

19 A couple of things, I would like to open the

20 floor, as we did yesterday, to our new technical expert

21 for a few moments, just for some brief --

22 Oh, I'm sorry, you need to leave?

23 MS. MAC DONALD: Well, I don't know when the

24 parking garage is --

25 CHAIRPERSON FILKINS WEBBER: Okay. Are you okay,

1 Ms. MacDonald, or do you need to leave?

2 MS. MAC DONALD: The League of Women Voters will  
3 bail me out.

4 CHAIRPERSON FILKINS WEBBER: Wonderful.

5 (Laughter)

6 CHAIRPERSON FILKINS WEBBER: Congratulations on  
7 your award. Please come before the Commission and make a  
8 few introductory, brief remarks before we get close to  
9 concluding this hearing.

10 MS. MAC DONALD: Thank you very much. I am making  
11 introductory, brief remarks?

12 CHAIRPERSON FILKINS WEBBER: Yes, you are.

13 MS. MAC DONALD: Okay.

14 CHAIRPERSON FILKINS WEBBER: You've received and  
15 that I will be signing shortly.

16 MS. MAC DONALD: Thank you very much. I really  
17 appreciate all of the time, and effort, and work that went  
18 into developing this bid.

19 And, you know, the tireless hours that staff have  
20 worked, and all of your diligence in putting this  
21 together. I'm very, very happy that this went to  
22 competitive bid, I think that was the right thing to do.  
23 And I think it was a really transparent process and I am  
24 glad, of course, I think, that we were awarded this  
25 contract and I really look forward, on behalf of my team,

1 to working with all of you.

2 CHAIRPERSON FILKINS WEBBER: Thank you very much,  
3 Ms. MacDonald.

4 That concludes the agendized portion of our  
5 meeting, with the exception of one final item, or two,  
6 actually.

7 Mr. Parvenu, I'm sorry, did you have a comment?  
8 Before I open it up, I'm actually going to take public  
9 comment.

10 COMMISSIONER PARVENU: Yes, I'll be quick.  
11 Consistent to how we handled the contract yesterday, I'd  
12 like the Commission to consider acknowledging Mr. Doug  
13 Johnson for the effort and some demonstration of  
14 appreciation for the time and effort that he's put into  
15 this contract process.

16 Being an independent, decline-to-state, I have  
17 great appreciation for the value he's brought to us. So,  
18 I suggest that we consider that, as well.

19 CHAIRPERSON FILKINS WEBBER: Okay. Mr. Miller's  
20 not here and Mr. Claypool's running out. Ms. Sargis, will  
21 you please make a note that the Commission has asked for  
22 another letter of recognition and appreciation from Mr.  
23 Johnson, from the Rose Institute, regarding all of his  
24 time that he has spent with this Commission.

25 Which has been, on one occasion, outside of his

1 capacity as a potential bidder, as well as the time he has  
2 spent in the bidding process as well, so please relay  
3 that.

4 Commissioner Ward, did you have something further  
5 before I --

6 COMMISSIONER WARD: I just wanted to ask you, if  
7 we did want to take up the -- actually have the discussion  
8 about an inline process review and resolve that once and  
9 for all, do we need to put that on the agenda? Is that  
10 something that can be brought up next week? How do we  
11 need to go about just making sure that that gets put on  
12 the docket and eventually we address it? Instead of, you  
13 know, we --

14 CHAIRPERSON FILKINS WEBBER: I suspect, as what  
15 was just done as far as tasking Legal Advisory, I haven't  
16 looked at it and I don't have it in front of me, but it's  
17 possible that we can ask Technical. I think it is in  
18 their line because we have to consider the potential for  
19 another competitive bid process.

20 So, provided that the -- I would like to task  
21 Technical to take a look at that. I'm not certain whether  
22 it falls within your agenda items for next Thursday, in  
23 particular, but --

24 COMMISSIONER ANCHETA: I think it would be --  
25 another thing we wanted to -- I know time is really tight.



1 But and you could work, I think, with chairman -- or  
2 Commissioner Ontai, who will chair the next one to get it  
3 into the agenda, I think.

4 CHAIRPERSON FILKINS WEBBER: No, actually,  
5 Commissioner -- and I'm going to summarize this as well.  
6 Maria Blanco, Commissioner Maria Blanco, will be chairing  
7 next Thursday's meeting.

8 COMMISSIONER ANCHETA: Well, what I'm thinking is  
9 for the next one, because I think it may be -- the one for  
10 next week is maybe too full.

11 CHAIRPERSON FILKINS WEBBER: Okay, just a  
12 procedural issue, Mr. -- Commissioner Ward, send an e-mail  
13 to Commissioner Ontai, as the next -- as Vice-Chair, as  
14 soon as I conclude this meeting he will be Vice-Chair  
15 for -- and then he will be the Chair probably at the  
16 occasion in which it can be brought up again.

17 So, if it's not properly agendized, you can ask  
18 that it be agendized for technical, probably the meeting  
19 after the 24<sup>th</sup>.

20 COMMISSIONER DI GUILIO: And the Technical  
21 Committee will put it on our radar so that it can be  
22 addressed.

23 CHAIRPERSON FILKINS WEBBER: The liaisons will  
24 work together, so that's the process.

25 COMMISSIONER WARD: Thank you, I appreciate that.

1 Is it -- could -- I'm just asking the question, could  
2 staff be directed to put together the IFB for  
3 consideration at --

4 CHAIRPERSON FILKINS WEBBER: I think it has to go  
5 to Technical -- I think it can go to Technical, first, and  
6 let Technical deal with it and bring it back to the full  
7 Commission, then full Commission will make a decision to  
8 report it to staff.

9 COMMISSIONER WARD: Thank you.

10 CHAIRPERSON FILKINS WEBBER: That's the procedure  
11 that we've done previously. Thank you, Commissioner Ward.

12 Anything further from the Commission before I open  
13 it up to public comment on non-agendized items for the end  
14 of the day?

15 Seeing nothing, I will open the microphone to  
16 members of the public who wish to address the Commission  
17 on non-agendized items, which is our custom and practice.

18 Thank you, Mr. Payton, welcome again. You have  
19 five minutes, since I don't see there being a long line.

20 MR. PAYTON: Thank you, Madam Chair, I won't take  
21 that long.

22 Real quick like, just one point of procedure, and  
23 that's not even the right term, it's been years since I've  
24 been on the city council.

25 It's a matter of communication. Your website says

1 sign up here for e-mail updates. I've signed up, members  
2 of my task force have signed up and we're not getting e-  
3 mail updates.

4 So, we're having to -- it's okay, we're having to  
5 go online and look at your website to find out when these  
6 Commission meetings are happening and letting people know.

7 But that's the main concern I have right now,  
8 because we're not getting them on a regular basis.

9 But I do want to say this because everybody says,  
10 oh, being on a volunteer position, appointed thing is a  
11 thankless task. Thank you for serving.

12 (Laughter)

13 MR. PAYTON: Because I know what it's like to do  
14 that, and you don't get thanked much. And it's going to  
15 be not a fun, or at least not rewarding, per se, from a  
16 financial stand point, but it's going to be good.

17 I was involved in the redistricting process in  
18 '91, as a volunteer, working out in the Bay Area, drawing  
19 the lines, testifying before the Assembly Committee, and  
20 then after the masters took it on, after the Governor  
21 vetoed the plan by the Legislature, testifying before the  
22 three masters in San Francisco, and they actually listened  
23 to us and took some of our suggestions.

24 And we're going to come back with some of those  
25 suggestions when the time comes of how to draw the lines.

1 And because that is more of my interest from the stand  
2 point of making sure it's a fair.

3 But here's the number one principle our task force  
4 was formed for, and that is let the people choose the  
5 representatives, not the representatives choose their  
6 people. And I believe that's what you're also tasked  
7 with. And I'll look forward to working with you. And now  
8 working with Karin, and her group, which will be close by  
9 there, in Berkeley.

10 Thank you for your time and thank you for the  
11 change to speak.

12 CHAIRPERSON FILKINS WEBBER: Thank you, Mr.  
13 Payton.

14 Any other member of the public who wishes to  
15 address the Commission on non-agendized items?

16 Seeing none, two final matters. For the members  
17 of the public, and since Commissioner Blanco is not here,  
18 once this meeting is adjourned, Commissioner Blanco will  
19 be the new Chair and Commissioner Ontai will be her Vice-  
20 Chair.

21 At this time, we do have an agendized meeting  
22 that's posted on the web for March 24<sup>th</sup>, 2011, most of  
23 which will be training and advisory committee meetings.

24 And even though we had to shorten our advisory  
25 committee report, we'll have some full discussion,

1 especially on the calendar for outreach. You will be  
2 provided, at least I think two hours, I think, for the  
3 committee meetings, and then more time for the report  
4 back.

5 And if we go into Friday, which we might very well  
6 do, now that we can move forward on more business, that  
7 should be left open on your calendars to do so.

8 Mr. Wilcox, would you like to provide the summary  
9 of today's events?

10 COMMUNICATIONS DIRECTOR WILCOX: May I just  
11 clarify with the comments about not receiving e-mail  
12 updates, there have been some problems with -- there was  
13 the transfer from the Secretary of State. So, if you were  
14 signed up and you're not receiving them now, go back to  
15 our website and just sign up with constant contact, right  
16 there on our -- on the website and you will receive that.

17 CHAIRPERSON FILKINS WEBBER: Mr. Payne, did you  
18 hear that? Yeah, we had a transition issue with the  
19 Secretary of State. So, thank you for your cooperation.

20 COMMUNICATIONS DIRECTOR WILCOX: All right. The  
21 California Citizens Redistricting Commission conducted an  
22 all-day meeting to consider bids for a technical expert  
23 for line drawing. The Q2's bid was accepted as  
24 responsive. The Commission then voted and discussed to  
25 deem Rose Institute unresponsive due to the failure to

1 disclose donor information and staff conflicts, and was  
2 disqualified from further consideration.

3 The Commission then opened the Q2 Consulting cost  
4 bid and voted to declare Q2's cost bid responsive.

5 The Commission voted to award the contract for  
6 technical assistant for line drawing to Q2 Consulting,  
7 with a firewall provision with partner, Bruce Cain, and  
8 emphasized they will work with a peer review, if required  
9 by the Commission. That was accepted on a unanimous vote.

10 And then there was a unanimous vote for a motion  
11 to sign the contract.

12 CHAIRPERSON FILKINS WEBBER: Thank you very much,  
13 Mr. Wilcox.

14 At this point, in looking at the agenda, it states  
15 that public comment would go from 5:00 to 6:00. I did a  
16 darn good job of getting us out of here on time.

17 So, if there's nothing further, I would ask for a  
18 motion to adjourn.

19 COMMISSIONER DI GUILIO: Can I --

20 CHAIRPERSON FILKINS WEBBER: Oh, unless there's  
21 one final matter.

22 COMMISSIONER DI GUILIO: Could I say a big thank  
23 you to Chairwoman -- we -- this was a tough couple days  
24 and I think you did an excellent job, so I appreciate your  
25 dedication and diligence with everything that happened.

1                   CHAIRPERSON FILKINS WEBBER:   Thank you.

2                   (Applause)

3                   CHAIRPERSON FILKINS WEBBER:   Thank you.   Thank you

4   very much.

5                   Any further business?

6                   COMMISSIONER YAO:   I move that Jodie does it again

7   next week.

8                   (Laughter)

9                   CHAIRPERSON FILKINS WEBBER:   No second.  Sorry,

10   motion fails.

11                  Is there a motion to adjourn?

12                  COMMISSIONER DAI:   So moved.

13                  COMMISSIONER BARABBA:   Second.

14                  CHAIRPERSON FILKINS WEBBER:   Thank you.   We are

15   adjourned.

16                               (Recessed at 5:58 p.m.)

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